

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF August 18, 2006

(Published August 26, 2006, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

August 18, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hodges, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Benson, Goodman, President Johnson.

Absent - Samuels, Colvin Roy, Remington.

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to include under Motions ordinance introductions relating to the powers and duties of the City Engineer. Seconded.

Adopted upon a voice vote 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Lilligren's motion, as amended, was adopted upon a voice vote 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Lilligren moved acceptance of the minutes of the regular meeting of August 4, 2006 and the adjourned session held August 15, 2006. Seconded.

Adopted upon a voice vote 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

The following reports were signed by Mayor Rybak on August 22, 2006. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271417)

Evangelical Lutheran Good Samaritan Society (22-27 Ave SE): Requesting host approval to issue bonds by Colorado Health Facilities Authority.

Ascension Academy Charter School Project (1704 Dupont Ave N): Preliminary & final approval to issue bonds to refinance & rehabilitate existing building.

Hennepin County's Affordable Housing Investment Fund Program: Approving program funding for various projects.

Classification of Tax Forfeited Land: Approving purchase of certain land & conveyance thereof & authorizing application for title registration.

Portland Condos Redevelopment (603-2nd St S): Authorize pollution remediation contract to lowest responsible bidder for clean up of site.

Stimson Building (700 Hennepin Ave): Amendment of real property sale & redevelopment contract re replacement anchor tenant & extension of closing date.

MacPhail Center for Music Project (501-2nd St S): Revised approval to issue bonds for music education & performing arts facility.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271418)

2005 Annual Tax Increment Disclosure Report.(W&M/Budget Committee 8/28/2006).

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271419)

Grant Park Project (bounded by Grant St E, Portland Ave S, 14th St E & I-35W exit ramp): Modification No. 2 to Grant Park Tax Increment Finance Plan; Authorizing the issuance of tax-exempt tax increment revenue refunding bonds, Increasing appropriations & authorizing technical amendments to contracts.

46th St Light Rail Transit Station: Modification No. 1 to 46th St LRT Station Area Redevelopment Plan & Modification No. 108 to Common Plan.

Target Center: Authorizing contract with Leo A Daly for architectural & engineering services.

Affordable Ownership Housing Program: Request to provide up to \$500,000 in Residential Finance Mortgage program income to program; appropriation increase.

Environmental Remediation Grants: Accept & appropriation grant awards from Metropolitan Council Tax Base Revitalization Account, MN Department of Employment & Economic Development & Hennepin County Environmental Response Fund.

Code Abatement Program: Increasing appropriation in residential finance fund; approving application for MHFA CRV funds; approval of modification of code abatement program guidelines.

ELECTIONS (See Rep):

ELECTIONS DEPARTMENT (271420)

2006 Elections: Approve list of election judges; Authorize use of substitutions from eligible list, use of Absentee Ballot Board; and Approve list of election judges to serve on that board.

PUBLIC SAFETY AND REGULATORY SERVICES:

NATIONAL LEAGUE OF CITIES (271421)

Youth Violence Prevention: Powerpoint on how other cities are addressing youth violence prevention.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (271422)

Chapter 249 Property at 1430 Irving Av N: Approve demolition.

INSPECTIONS DEPARTMENT (271423)

Chapter 249 Property at 2020 Penn Av N: Approve demolition.

INSPECTIONS DEPARTMENT (271424)

Chapter 249 Property at 2030 Sheridan Av N: Approve demolition.

INSPECTIONS DEPARTMENT (271425)

Chapter 249 Property at 2332 McNair Av N: Approve demolition.

LICENSES AND CONSUMER SERVICES (271426)

Grumpy's Bar (2200 4th St NE): Application for On-Sale Liquor Class E with Sunday Sales (expansion of premises for outdoor seating area on private property).

Cafe Thang Bom & Music (2647 Nicollet Av S): Grant Sidewalk Cafe License.

CRC Coffee Bar & Bike Shop (3346 Lyndale Av S): Grant Sidewalk Cafe License.

NBA City (600 1st Av N): Grant On-Sale Liquor Class B with Sunday Sales License (expansion of premises for sidewalk café area).

LICENSES AND CONSUMER SERVICES (271427)

Licenses: Applications.

REGULATORY SERVICES (271428)

Animals: Passage of Ordinances amending the Code eliminating the enforcement of Chapters 64 and 66 by the Department of Health and giving enforcement powers to Minneapolis Animal Care & Control; deleting the requirement for a sterilization deposit fee upon the redemption of any lawfully impounded dog or cat over six months of age found at large and not previously sterilized; eliminating veterinarian partial reimbursement for spaying/neutering and eliminating the petty misdemeanor penalty and replacing it with an administrative fine; eliminating the \$100 fine for not having a pet license and replacing it with an administrative fine; increasing annual license fees for both dogs and cats; creating a lifetime license with requirements for both dogs and cats; and transferring the authority for animal regulation from the Commissioner of Health and/or Licenses & Consumer Services to Minneapolis Animal Care & Control.

REGULATORY SERVICES (271429)

Rental Dwelling License at 1539 E 26th St: Concur with recommendation of Director of Inspections to revoke license held by Angelen Borodin.

PUBLIC SAFETY AND REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS (See Rep):

SOLID WASTE AND RECYCLING DIVISION (271430)

Graffiti Removal: Negotiate and enter into contracts with Final Touch and Sani-Masters for graffiti removal.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

COUNCIL MEMBER GORDON (271431)

Solar Thermal Pilot Project: Direct staff to waive permit fees associated with the Solar Thermal Power Project.

TRANSPORTATION AND PUBLIC WORKS:

CENTER POINT ENERGY (271432)

Pipeline Routing Permit: Copy of Minnesota Public Utilities Commission Pipeline Routing Permit to CenterPoint Energy for Riverside Pipeline Project originating in Andover and ending at Riverside Power Plant in Minneapolis.

PUBLIC WORKS AND ENGINEERING (271433)

Snow and Ice Removal from Public Sidewalks: Set public hearing for September 14, 2006.

XCEL ENERGY/NSP (271434)

Utility Pole: Install two (2) 30' poles, two (2) spans of 4 ASCR and four (4) 400 W directional lights to light Korean Peace Garden. Work to begin approximately 7/30/06 and be completed by 8/30/06. WO #10829992.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271435)

Nicollet Av S Special Service District: Set public hearing for September 26, 2006 for updated 2006 charges and proposed 2007 charges.

Closure of Talmage Av SE between 20th & 21st Aves: Authorize staff to work with Burlington Northern Santa Fe Railway Co (BNSF) to develop plan to remove at-grade railroad crossing.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (271436)

Building Lease: Negotiate and execute new office space lease for Civilian Review Authority.

Steam Contract: Negotiate and execute new ten year contract with NRG Energy Center Minneapolis, LLC for steam for Public Service Center complex at 250 S 4th St.

Closing Project Funds: Resolution closing project funds for W Broadway, E Hennepin, Hennepin-Stinson, Glenwood Av, E 50th St, LRT Reverse Flow Bus, and 6th St NE Alley projects.

Bids: Accept a) OP 6628, responsive bid of Brown Traffic Products, Inc to furnish traffic signal control cabinets and equipment; b) OP 6634, responsive bid of Cramer Building Services for building automation changes at municipal parking ramps; and c) OP 6640, responsive bid of Prairie Technologies Inc. of Minnesota, d/b/a Direct Digital Controls, to furnish carbon monoxide sensors and fan controls at the LaSalle Parking Ramp.

WAYS AND MEANS BUDGET:

COORDINATOR (271437)

New Central Library Project: Receive and file close out report.

FINANCE DEPARTMENT (271438)

2006 - 2nd Quarter Financial Status Report: Receive and file.

WAYS AND MEANS BUDGET (See Rep):

ATTORNE (271439)

Legal Settlements: a) James and Gayle Wilson v. the City of Minneapolis; and b) Therian Johnson v. Reola Cain Riley and the City of Minneapolis.

Master Legal Services Agreement: Authorize City Attorney to amend the "Master Legal Services Agreement" between the City of Minneapolis and Lockridge, Grindel and Nauen, for the period of January 1, 2004 through December 31, 2006.

COMMUNICATIONS (271440)

Utility Bill Inserts: Authorize two September 2006 utility billing inserts a) on behalf of the Finance Department, Utility Billing Division and Civil Rights, Multicultural Services Division offering a better understanding of the Utility Bill in multiple languages (English, Spanish, Hmong and Somali); and b) on behalf of the Finance Department promoting the Direct Payment Program.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (271441)

In-House Security Services: Authorize issuance of a new Request for Proposal (RFP) for In-House Security Services for the Minneapolis Convention Center facility to include Minneapolis Waterworks and Public Works On-call services; and direct language to be added to the RFP to comply with the City's Living Wage Ordinance.

COORDINATOR (271442)

2006 Charitable Campaign: Authorize participation of Community Solutions Fund, Community Health Charities, Open Your Heart to the Hungry and Homeless, United Negro College Fund, United Arts, Minnesota Environmental Fund, and United Way of Minneapolis Area.

New Central Library Project - Change Orders: Approve Change Order No.5 increasing Contract Number C-20073 with New Mech Companies (\$96,327); Change Order No.7 decreasing Contract Number C-20306 with LeJeune Steel Company (\$10,573); Change Order No.7 increasing Contract Number C-19758 with Graham Penn-Co Construction, Inc. (\$218,516); Change Order No.5 increasing Contract Number 019830 with Schindler Elevator Corporation (\$21,057); and Change Order No.10 increasing Contract Number C-20345 with Egan Companies, Inc., d.b.a. Egan McKay Electrical (\$266,130).

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (271443)

Request for Proposal: Uptown Small Area Plan (The study area has boundaries of Calhoun Parkway, 28th St (with the exception of the residential area between 28th and the Mall and west of Humboldt), Bryant Ave, and 31st St (plus the 3100 blocks between Holmes and Fremont), as well as a spine along Hennepin Ave extending north from 28th St to Franklin Ave and south from 32nd St to 36th St): Authorize request for proposal for contract within budget not to exceed \$110,000.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (271444)

Historic variances: Frank B. and Anne C. Semple House (100-104 W Franklin Ave).

PLANNING COMMISSION/DEPARTMENT (271445)

Appeal: Shafer Hartman (600 4th St NE): re decision of the CPC approving variance and minor subdivision.

Vacations:

Kingsley Commons (4550 Humboldt Ave N): sewer easement for construction of a 25-unit affordable housing community.

Greenway Urban Housing (Vicinity of the block bounded by Bloomington Ave S, E 28th St, 16th Ave S and the Midtown Greenway): portion of a public alley for construction of a multi-family development.

Rezoning:

Village in Phillips Phase II (re Franklin Station Condominiums, 2400-2406 Bloomington Ave).

St. Mary's University of Minnesota (2222 and 2226 Oakland Ave).

UNFINISHED BUSINESS (See Rep):

PUBLIC WORKS AND ENGINEERING (271446)

Appeal of Encroachment Permit Denial: Accept sidewalk easement from Carlyle Condos LLC increasing sidewalk width to allow for the encroachment of concrete planters. (See Petn No 271402 from 8/4/06).

FILED:

CHARTER COMMISSION (271447)

Instant Run-Off Voting: Public Comments. (See Elections Report of 8/4/06).

CITY CLERK (271448)

Chapter 249 Property located at 3448 20th Av S: Verbatim transcripts of PS&RS Committee held May 17, 2006; and City Council held May 26, 2006.

LIBRARY, MINNEAPOLIS PUBLIC (271449)

Comprehensive Annual Financial Report, 12/31/2005.

PENN LOWRY CROSSING LLC (271450)

Vacate part of the alley between Penn Ave N & Oliver Ave N and 30th Ave N and Lowry Ave N to incorporate into the redevelopment of the southeast corner of Penn Ave N and Lowry Ave N for grocery store, parking and pedestrian connection.

The following reports were signed by Mayor Rybak on August 22, 2006. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the request by the Colorado Health Facilities Authority for host approval of the issuance of tax-exempt revenue bonds for the University Good Samaritan Center at 22 - 27th Ave SE, now recommends passage of the accompanying resolution consenting to the issuance of revenue bonds by the Colorado Health Facilities Authority on behalf of The Evangelical Lutheran Good Samaritan Society, in an amount not to exceed \$1,150,000, and that the proper City officers be authorized to execute all necessary documents related to said request.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-415, consenting to the issuance of revenue bonds by the Colorado Health Facilities Authority on behalf of the Evangelical Lutheran Good Samaritan Society for the University Good Samaritan Center at 22-27th Ave SE, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-415

By Goodman

Consenting to the issuance of revenue bonds by the Colorado Health Facilities Authority on behalf of the Evangelical Lutheran Good Samaritan Society.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. The Evangelical Lutheran Good Samaritan Society (the "Society") has advised this Council of its desire that the Council approve the issuance of revenue bonds by the Colorado Health Facilities Authority which will be used, in part, to provide funds to enable the Society to (i) refinance debt previously incurred by the Society in connection with the purchase and improvement of the University Good Samaritan Center, located at 22 27th Avenue SE in the City (the "Project"), and (ii) pay a portion of the costs of issuing such bonds.

1.2. The Society has represented to the City that the Project benefits the residents of the City and surrounding area; that the refinancing of the outstanding debt is essential to the successful operation of the Project; and that the Colorado Health Facilities Authority has evidenced a willingness to issue tax-exempt revenue bonds and loan the proceeds thereof to the Society to provide such refinancing.

1.3. In order to facilitate the refinancing of the Project by the Society, together with other Society facilities throughout the United States, on a cost effective basis, the Society has advised the City that it would like the Colorado Health Facilities Authority to issue its Health Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project) to refinance the Project, among other things.

1.4. A notice of public hearing was published on July 22, 2006 in the *Star Tribune* and *Finance and Commerce*, and pursuant to such notice a public hearing has been held before the City Council on the proposal of the Society to refinance the Project through the issuance of revenue bonds by the Colorado Health Facilities Authority, at which hearing all those who desired to speak were heard, and in connection with which written comments were taken in advance.

Section 2. Consent to Issuance

2.1. On the basis of the information given to the City to date, the City hereby consents to the issuance by the Colorado Health Facilities Authority of approximately \$1,150,000 of its revenue bonds, and the loan of the proceeds thereof to the Society to refinance the Project. The adoption of this resolution shall not be deemed, however, to establish a legal obligation on the part of the City, its Council or the Colorado Health Facilities Authority to issue or to cause the issuance of such bonds. The bonds, if issued by the Colorado Health Facilities Authority, shall not constitute a charge, lien or encumbrance,

legal or equitable, upon any property of the City or the Colorado Health Facilities Authority. The bonds shall be payable solely from said revenues and property of the Society specifically pledged to the payment thereof, and shall not constitute a debt or pecuniary liability of the City or the Colorado Health Facilities Authority within the meaning of any constitutional or statutory limitation.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Ascension Academy Charter School Project at 1704 Dupont Ave N, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance and sale of up to \$1.4 million in 501(c)(3) Tax-exempt Revenue Bonds for the refinancing of outstanding debt for renovation and equipping of the existing school building.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-416, authorizing the issuance and sale of the \$1,400,000 Commercial Development Revenue Note, Series 2006, for the Ascension Academy Charter School project at 1704 Dupont Ave N, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-416

By Goodman

Authorizing the issuance and sale of the \$1,400,000 Commercial Development Revenue Note (Ascension Academy Project), Series 2006.

Resolved by The City Council of The City of Minneapolis:

Section 1. Findings.

The City Council has heretofore determined, and does hereby determine, as follows:

1.1. The City is authorized by Minnesota Statutes Sections 469.152 through 469.1651, as amended (the "Act"), to finance the proposal of the Church of the Ascension of Minneapolis, Minnesota (the "Borrower") to renovate and equip, including installation of an elevator, an existing building located at 1704 DuPont Avenue North in the City (the "Project"), which is leased by the Borrower to Ascension Academy, a charter school, and to enter into a Loan Agreement with the Borrower (the "Loan Agreement") for the public purposes expressed in the Act.

1.2. In authorizing the financing of the Project the City's purpose is, and in its judgment the effect thereof will be, to promote the public welfare by continuing to provide educational facilities and to provide employment opportunities for citizens of the City.

1.3. It is desirable, feasible and consistent with the objects and purposes of the Act to issue the Commercial Development Revenue Note(s) of 2006 (Ascension Academy Project), in the form of no more than three Notes in the aggregate principal amount of \$1,400,000 (collectively, the "Note") to finance the Project.

1.4. The Note and the interest accruing thereon do not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation and do not constitute or give rise to a pecuniary liability or a charge against the general credit or taxing powers of the City and neither the full faith and credit nor the taxing powers of the City is pledged for the payment of the Note or interest thereon.

Section 2. The Note.

2.1. Authorized Amount and Form of Note. The Note issued pursuant to this Resolution shall be in substantially the form set forth on Exhibit A to the Loan Agreement, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution, and in accordance with the further provisions hereof; and the total principal amount of the Note that may be outstanding hereunder is expressly limited to \$1,400,000 unless a duplicate Note is issued pursuant to Section 3.7.

2.2. The Note. The Note shall be dated as of the date of delivery, shall be payable at the times and in the manner, shall bear interest at the rate not to exceed 6.5% per annum, and shall be subject to such other terms and conditions as are set forth therein.

2.3. Execution. The Note shall be executed on behalf of the City by the signature of the Finance Officer, registered by the Finance Officer and shall be sealed with the seal of the City. In case any officer whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if it had remained in office until delivery. In the event of the absence or disability of the Finance Officer such officer of the City as, in the opinion of the City Attorney, may act in his behalf, shall without further act or authorization of the City Council execute and deliver the Note.

2.4. Delivery of Note. Before delivery of the Note there shall be filed with the Purchaser of the Note (except to the extent waived by the Purchaser) the following items:

- (a) an executed copy of each of the following documents:
 - (1) the Loan Agreement;
 - (2) the Pledge Agreement between the City and the Purchaser (the "Pledge Agreement");
 - (3) the Mortgage, Security Agreement, Assignment of Leases and Rents, and Fixture Financing Statement from the Borrower to the Purchaser;
 - (4) such other security and disbursing agreements as required by the Purchaser.
- (b) an opinion of Counsel for the Borrower as prescribed by Bond Counsel;
- (c) the opinion of Bond Counsel as to the validity and tax exempt status of the Note; and
- (d) such other documents and opinions as Bond Counsel may reasonably require for purposes of rendering its opinion required in subsection (c) above or that the purchasers may reasonably require for the closing.

2.5. Disposition of Note Proceeds. Upon delivery of the Note, the purchase price paid will be used together with other funds available to finance the Project.

2.6. Registration of Transfer. The City will cause to be kept at the office of the City Finance Officer a Note Register in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of transfers of ownership of the Note. The Note shall be initially registered in the name of the original purchaser and shall be transferable upon the Note Register by the holder in person or by an agent duly authorized in writing, upon surrender of a Note together with a written instrument of transfer satisfactory to the City Finance Officer, duly executed by the holder or its duly authorized agent. The following form of assignment shall be sufficient for such purpose.

For value received _____ hereby sells, assigns and transfers unto _____ the within Note of the City of Minneapolis, Minnesota, and does hereby irrevocably constitute and appoint _____ attorney to transfer such Note on the books of such City with full power of substitution in the premises. The undersigned certifies that the transfer be made in accordance with the provisions of Section 2.9 of the Resolution relating to the above Note.

Dated: _____

Registered Owner

Upon such transfer the City Finance Officer shall note the date of registration and the name and address of the new holder in the Note Register and in the registration blank appearing on the Note.

2.7. Mutilated, Lost or Destroyed Note. In case any Note issued hereunder shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and delivered, a new Note of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such mutilated Note, or in lieu of and in substitution for such Note destroyed or lost, upon the holder's paying the reasonable expenses and charges of the City in connection therewith, and in the case of a Note destroyed or lost, the filing with the City of evidence satisfactory to the City with indemnity satisfactory to it. If the mutilated, destroyed or lost Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Note prior to payment.

2.8. Ownership of Note. The City may deem and treat the person in whose name the Note is last registered in the Note Register and by notation on the Note whether or not such Note shall be overdue, as the absolute owner of such Note for the purpose of receiving payment of or on account of the principal balance, redemption price or interest and for all other purposes whatsoever, and the City shall not be affected by any notice to the contrary.

2.9. Limitation on Note Transfers. The Note has been issued without registration under state or other securities laws, pursuant to an exemption for such issuance; and accordingly the Note may not be assigned or transferred in whole or part, nor may a participation interest in the Note be given pursuant to any participation agreement, except in accordance with an applicable exemption from such registration requirements.

2.10. Issuance of a New Note. Subject to the provisions of Section 2.9, the City shall, at the request and expense of a holder, issue a new note, in aggregate outstanding principal amount equal to that of the Note surrendered, and of like tenor except as to number, principal amount, and the amount of the monthly installments payable thereunder, and registered in the name of the holder or such transferee as may be designated by the holder.

2.11. Designation as a "Program Bond." The Note is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted August 12, 1997.

Section 3. General Covenants.

3.1. Payment of Principal and Interest. The City covenants that it will promptly pay or cause to be paid the principal of and interest on the Note at the place, on the dates, solely from the source and in the manner provided herein and in the Note. The principal and interest are payable solely from and secured by revenues and proceeds derived from the Loan Agreement, the Pledge Agreement, and the Mortgage (the "Security Documents"), which revenues and proceeds are hereby specifically pledged to the payment thereof in the manner and to the extent specified in the Note and the Security Documents; and nothing in the Note or in this Resolution shall be considered as assigning, pledging or otherwise encumbering any other funds or assets of the City.

3.2. Performance of and Authority for Covenants. The City covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions contained in this Resolution, in the Note and in all proceedings of the City Council pertaining thereto. The City agrees to enforce all covenants and obligations of the Borrower under the Loan Agreement, upon request of the holders of the Note and being indemnified to the satisfaction of the City for all expenses and claims arising therefrom, and to perform all covenants and other provisions pertaining to the City contained in the Note and the Loan Agreement and subject to Section 4.3.

3.3. Nature of Security. Notwithstanding anything contained in the Note, the Security Documents or any other document referred to in Section 2.4 to the contrary, under the provisions of the Act, the Note may not be payable from or be a charge upon any funds of the City other than the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon, nor shall the Note otherwise contribute or give rise to a pecuniary liability of the City or, to the extent permitted by law, any of the City's officers, employees and agents. No holder of the Note shall ever have the right to compel any exercise of the taxing power of the City to pay the Note or the interest thereon, or to enforce payment thereof against any property of the City other than the revenues pledged under the Pledge Agreement; and the Note shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and the Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; but nothing in the Act impairs the rights of the holders of the Note to enforce the covenants made for the security thereof as provided in this Resolution, the Loan Agreement and the Pledge Agreement, and in the Act, and by authority of the Act the City has made the covenants and agreements herein for the benefit of the purchasers; provided that in any event, the agreement of the City to perform or enforce the covenants and other provisions contained in the Note, the Loan Agreement and the Pledge Agreement shall be subject at all times to the availability of revenues under the Loan Agreement sufficient to pay all costs of such performance or the enforcement thereof, and the City shall not be subject to any personal or pecuniary liability thereon.

Section 4. Miscellaneous.

4.1. Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or paragraphs in this Resolution contained shall not affect the remaining portions of this Resolution or any part thereof.

4.2. Authentication of Transcript. The officers of the City are directed to furnish to Bond Counsel certified copies of this Resolution and all documents referred to herein, and affidavits or certificates as to all other matters which are reasonably necessary to evidence the validity of the Note. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute recitals of the City as to the correctness of all statements contained therein.

4.3. Authorization to Execute Agreements. The forms of the proposed Loan Agreement and the Pledge Agreement are hereby approved in substantially the form heretofore presented to the City Council, together with such additional details therein as may be necessary and appropriate and such modifications thereof, deletions there from and additions thereto as may be necessary and appropriate and approved by Bond Counsel prior to the execution of the documents, and the Finance Officer are authorized to execute the Loan Agreement and the Pledge Agreement in the name of and on behalf of the City and such other documents as Bond Counsel consider appropriate in connection with the issuance of the Note. In the event of the absence or disability of the Finance Officer, such officer of the City as, in the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the City Council do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof.

Be It Further Resolved that this Resolution shall take effect upon publication.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev - Your Committee recommends passage of the accompanying resolution approving Hennepin County's Affordable Housing Investment Fund Program funding for the following projects, in an amount up to \$3,350,000:

LSS Park Avenue Apartments, \$500,000; Van Cleve Court Apartments Phase I, \$270,000; Washington Court Apartments, \$380,000; Van Cleve Court, \$115,000; Whittier Townhomes, \$280,000; North Haven, \$125,000; Dundry House Apartments, \$325,000; Little Earth Phase IV, \$300,000; Minnesota Indian Women's Resource Center Supportive Housing, \$139,000; The 38, \$191,000; Karamu West, \$70,500; Village In Phillips Phase II, \$200,000; City of Lakes Land Trust Homebuyer Initiated Program, \$360,000; and Hennepin County Lead Hazard Reduction Program, \$94,500.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-417, requesting that the Hennepin County Housing and Redevelopment Authority provide financial assistance to LSS Park Avenue Apartments, Van Cleve Court Apartments Phase I, Washington Court Apartments, Van Cleve Court, Whittier Townhomes, North Haven, Dundry House Apartments, Little Earth Phase IV, Minnesota Indian Women's Resource Center Supportive Housing, The 38, Karamu West, Village In Phillips Phase II, CLCLT Homebuyer Initiated Program and Hennepin County Lead Hazard Reduction Program under the Minnesota Housing and Redevelopment Authorities Act, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-417

By Goodman

Requesting that the Hennepin County Housing and Redevelopment Authority provide financial assistance to LSS Park Avenue Apartments, Van Cleve Court Apartments Phase I, Washington Court Apartments, Van Cleve Court, Whittier Townhomes, North Haven, Dundry House Apartments, Little Earth Phase IV, Minnesota Indian Women's Resource Center Supportive Housing, The 38, Karamu West, Village In Phillips Phase II, CLCLT Homebuyer Initiated Program and Hennepin County Lead Hazard Reduction Program under the Minnesota Housing and Redevelopment Authorities Act.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development (the "City") that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund in an amount up to \$3,350,000 for the fourteen (14) projects located in Minneapolis, Minnesota and identified in this resolution (the "Projects"); and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, subd. 2, the County HRA cannot exercise its powers within the boundaries of the City unless the City requests the County HRA to exercise specific powers within the City; and

Whereas, pursuant to Minnesota Statutes, Section 469.005, the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision of financial assistance for the Projects in the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, Section 469.005, the City Council hereby declares there is a need for and approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance in the combined amount up to \$3,350,000 from the County HRA.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City to assist the Projects, nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Projects.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the Projects and the City shall retain all other powers and jurisdiction over matters relating to the City and the Projects.

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Projects to be undertaken.

Be It Further Resolved that appropriate staff of the City are authorized to execute and deliver to the County HRA necessary contracts or documents, if any, relating the Projects.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev - Your Committee recommends passage of the accompanying resolution approving the purchase of certain forfeited land located in the City of Minneapolis and the conveyance thereof, and authorizing the Mayor and the City Clerk to sign an application for title registration on all tax forfeit properties, pursuant to Minnesota Statutes 508.03(6).

Benson moved to amend the resolution by moving the property at 2844 Humboldt Ave S from the list to be released for public auction to the list of properties to be withheld from sale for six months. Seconded.

Adopted upon a voice vote.

The report, with amended resolution, was adopted 8/18/2006.

Resolution 2006R-418, approving the purchase of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof, and authorizing the City to file an application for title registration on all tax forfeit properties signed by the Mayor and the City Clerk, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-418
By Goodman**

Approving the purchase of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof and authorizing the City to file an application for title registration on all tax forfeit properties signed by the Mayor and the City Clerk.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the City of Minneapolis/Department of Community Planning & Economic Development:

**1372 Conservation/Non-Conservation List
(01) City of Minneapolis**

	<u>Address</u>		<u>Date Of</u>		<u>Zoning</u>
<u>PID Number</u>	<u>Target</u>	<u>Ward</u>	<u>Forfeit</u>	<u>Current Use</u>	<u>Legal Description</u>
16-029-24-14-0243	906 – 22 nd Ave N TARGET 92x58=5336 sq. ft.	3	5/18/06	Vacant Land	R2B SOUTH 8.00 FEET OF LOT 6 EXCEPT EAST 65 FEET THEREOF AND LOT 7 EXCEPT EAST 65 FEET THEREOF, BLOCK 18 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the property listed below be withheld from sale for six (6) months:

	<u>Address</u>		<u>Date of</u>		<u>Zoning</u>
<u>PID Number</u>	<u>Target</u>	<u>Ward</u>	<u>Forfeit</u>	<u>Current Use</u>	<u>Legal Description</u>
12-028-24-14-0077	4143 Nokomis Ave NON TARGET 40X126=5000 sq. ft.	12	5/18/06	Vac/Brd Single Family	R1A LOT 19, BLOCK 4 "ELMDALE ADDITION TO MINNEAPOLIS"

AUGUST 18, 2006

13-028-24-44-0135	5337 30th Ave S NON TARGET 40x129=5160 sq. ft.	12	5/18/06	Vac/Brd Single Family	R1A LOT 21, BLOCK 7 "GJERTSEN'S LAKE AMELIA ADDITION TO MINNEAPOLIS"
04-029-24-43-0095	3707 Girard Ave N NON TARGET 40x125=4982 sq. ft.	4	5/18/06	Vac/Brd Single Family	R1A LOT 14, BLOCK 8 "WALTON PARK"
33-029-24-34-0093	2844 Humboldt Ave S NON TARGET 50X128=6405 sq. ft.	10	5/18/06	Vac/Brd Single Family	LOT 12, BLOCK 6 RUSSELL'S THIRD ADDITION ADDITION TO THE CITY OF MINNEAPOLIS

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the property listed below be released for public auction:

PID Number	Ward	Address	<u>Date Of</u> Forfeit	Legal Description
31-029-23-43-0013	2	4110 Lake Street E.	5/18/06	EAST 35 FEET OF LOTS 12 AND 13 AND EAST 35 FEET OF NORTH 30 FEET OF LOT 14 LOTS 12, 13 AND 14, BLOCK 5 DORMAN'S FIRST ADDITION TO MINNEAPOLIS
02-028-24-13-0053	9	1412 33RD Street E	5/18/06	WEST 40 FEET OF LOTS 9 AND 10, BLOCK 11 WILLIAM'S ADDITION TO MINNEAPOLIS
02-028-24-23-0069	8	3306 Columbus Ave	5/18/06	LOT 1, BLOCK 2 D.W. ELLIS' ADDITION TO MINNEAPOLIS
09-029-24-31-0157	5	2934 Logan Ave N Occupied Single Family	5/18/06	LOT 24, BLOCK 3 LAUDERDALE'S SUBDIVISION OF LOTS I, J, K, AND L, BABBITS OUTLOTS
09-029-24-42-0087	5	1423 Lowry Ave N Repurchased	5/18/06	NORTH 36 FEET 2 INCHES OF THE EAST 85.75 FEET LOT 26, BLOCK 12 "SILVER LAKE ADDITION" TO MINNEAPOLIS
14-029-24-22-0187	3	1626 3rd St NE	5/18/06	NORTH ½ OF LOT 5, BLOCK 19 BOTTINEAUS SECOND ADDITION TO THE TOWN OF SAINT ANTHONY
15-029-24-23-0021	3	2223 3rd St N	5/18/06	LOT 5, BLOCK 1 NICKELS AND SMITH'S ADDITION TO MINNEAPOLIS
21-029-24-33-0140	5	222 Morgan Ave N Repurchased	5/18/06	LOTS 6, 7 AND 8 AND THAT PART OF LOT 5 LYING NORTH OF THE SOUTH 16 FEET THEREOF, BLOCK 5 "GRAMERCY PARK"
23-029-24-33-0807	7	121 Washington Ave S UNIT 120	5/18/06	SIGN UNIT NO S-120 CONDOMINIUM NO. 0286 COMMERCE AT THE CROSSINGS, A CONDOMINIUM
23-029-24-33-0808	7	121 Washington Ave S UNIT 122	5/18/06	SIGN UNIT NO S-122 CONDOMINIUM NO. 0286 COMMERCE AT THE CROSSINGS, A CONDOMINIUM

23-029-24-33-0809	7	121 Washington Ave S UNIT 125	5/18/06	SIGN UNIT NO S-125 CONDOMINIUM NO. 0286 COMMERCE AT THE CROSSINGS, A CONDOMINIUM
23-029-24-33-0810	7	121 Washington Ave S UNIT 127	5/18/06	SIGN UNIT NO S-127 CONDOMINIUM NO. 0286 COMMERCE AT THE CROSSINGS, A CONDOMINIUM
23-029-24-33-0811	7	121 Washington Ave S UNIT 130	5/18/06	SIGN UNIT NO S-130 CONDOMINIUM NO. 0286 COMMERCE AT THE CROSSINGS, A CONDOMINIUM
23-029-24-33-0812	7	121 Washington Ave S UNIT 132	5/18/06	SIGN UNIT NO S-132 CONDOMINIUM NO. 0286 COMMERCE AT THE CROSSINGS, A CONDOMINIUM
34-029-24-32-0217	6	2616 Harriet Ave S Occupied Condo	5/18/06	APARTMENT NO. 109 AND GARAGE FOR APARTMENT NO. 09 APARTMENT OWNERSHIP NO. 0135 HARRIET PLACE, A CONDOMINIUM
17-029-24-43-0128	13	5231 Washburn Ave Occupied single family	5/18/06	LOT 23, BLOCK 2 "WOODHOLME ACRES"

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the property listed below be released for auction to adjacent owners:

PID Number	Ward	Address	Date Of Forfeit	Legal Description
03-028-24-44-0060	8	3657 3rd Ave S	5/18/06	LOT 9, BLOCK 5 VINTON PARK ADDITION TO MINNEAPOLIS
10-029-24-24-0056	3	3212 2nd Ave S	5/18/06	SOUTH 20 FEET LOT 3, BLOCK 47 "BAKER'S 4TH ADDITION TO MINNEAPOLIS"
13-029-24-34-0167	3	342 Buchanan St NE	5/18/06	THAT PART OF LOTS 8,9 AND 12, LOCK 26 RAMSEY LOCKWOOD AND OTHERS ADDITION LYING SOUTHERLY OF LOT 5 BLOCK 3 BELTRAMI 2ND ADDITION AND NORTHERLY OF A LINE RUNNING FROM SOUTHWEST CORNER OF SAID LOT 5 TO A POINT ON EAST LINE OF SAID BLOCK 26 DISTANCE 31.99 FEET SOUTH FROM SOUTHEAST CORNER OF SAID LOT 5 "RAMSEY, LOCKWOOD AND OTHERS ADDITION" TO ST. ANTHONY

Be It Further Resolved that the city is authorized to file an application for title registration on the tax forfeited properties listed below signed by the Mayor and the City Clerk pursuant to Minnesota Statutes 508.03(6):

2316 ½ Lyndale Ave N

906 22nd Ave N

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Comm Dev - Your Committee, having under consideration the Portland Condos redevelopment site at 603 - 2nd St S, now recommends that the proper City officers be authorized to award the pollution remediation contract to the lowest responsible bidder, in an amount not to exceed the grant amount of \$460,000, and to execute any necessary agreements.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev - Your Committee recommends that the Real Property Sale and Redevelopment Contract between the City of Minneapolis and Stimson Partners LLC be amended to provide a replacement anchor tenant, KNK Hospitality LLC, and to extend the closing date be to no later than October 15, 2006, along with other associated terms to effect the sale and redevelopment of the Stimson Building at 700 Hennepin Ave.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev – Your Committee, having under consideration the request to grant revised final approval to the issuance of revenue bonds for the MacPhail Center for Music for construction of a new 55,000 square foot music education and performing arts facility at 501 - 2nd St S, based on the on-going negotiations with the State of Minnesota over the \$5 million grant to the project and the State's request that the \$5 million be structured so that \$2.5 million goes into the project up-front and the remaining \$2.5 million goes into the project at the back-end, now recommends passage of the accompanying resolution providing for the issuance and sale of \$11,800,000 in Variable Rate Demand Revenue Bonds, Series 2006, for said project, and that the proper City officers be authorized to execute and deliver various documents as necessary.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/2006).

Resolution 2006R-419, providing for the issuance and sale of \$11,800,000 Variable Rate Demand Revenue Bonds (revised approval for the MacPhail Center for Music project at 501-2nd St S), Series 2006, and authorizing execution and delivery of various documents, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-419

By Goodman

Providing for the issuance and sale of \$11,800,000 Variable Rate Demand Revenue Bonds (MacPhail Center for Music project), Series 2006 and authorizing execution and delivery of various documents.

Resolved by The City Council of The City of Minneapolis:

1. Authority. This City is, by the Constitution and Laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing the cost of acquisition and construction of authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act.

2. Authorization of Bonds. The City hereby determines that it is necessary and expedient to authorize, and the City does hereby authorize, the issuance and sale of the City's Variable Rate Revenue Bonds (MacPhail Center for Music Project), Series 2006 (the "Bonds") pursuant to the Act to provide money to be loaned to MacPhail Center for Music, a Minnesota nonprofit corporation (the

"Borrower") in the aggregate principal amount of Eleven Million Eight Hundred Thousand Dollars (\$11,800,000) to finance costs of acquiring and constructing the Borrower's new music education facility (the "Project") to be leased to and operated by the Borrower.

3. Documents Presented. Forms of the following documents relating to the Bonds and the Project have been prepared or reviewed by bond counsel, and submitted to the City and are now on file in the office of the City:

(a) Loan Agreement (the "Loan Agreement") dated as of August 1, 2006, between the City and the Borrower, whereby the City agrees to make a loan of the proceeds of the Bonds to the Borrower to finance the Project and the Borrower agrees to pay amounts sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds;

(b) Indenture of Trust (the "Trust Indenture") dated as of August 1, 2006, between the City and U.S. Bank National Association (the "Trustee"), pledging the revenues to be derived from the Loan Agreement as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto;

(c) Bond Purchase Agreement (the "Bond Purchase Agreement") among the City, the Borrower and Piper Jaffray & Co. (the "Underwriter"); and

(d) Official Statement (the "Official Statement") (the Official Statement is not to be executed by the City).

4. Findings. It is hereby found, determined and declared that:

(a) The Project furthers the purposes and policies of the Act;

(b) The City held a public hearing relating to the Project, the application for approval of the Project was approved by the Commissioner of Employment and Economic Development and, in the opinion of bond counsel based on representations of the Borrower, the Bonds will be qualified Section 501(c)(3) bonds within the meaning of Section 145 of the Code;

(c) The Loan Agreement provides for payments by the Borrower to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of and interest on the Bonds when due. The Loan Agreement obligates the Borrower to provide for the operation and maintenance of the Project, including adequate insurance, taxes and special assessments. The Loan Agreement further provides for the payment of fees to the City as set forth therein;

(d) The payment of principal and interest on the Bonds is supported by a Letter of Credit to be issued by U.S. Bank National Association;

(e) The Borrower has approved and requested the City to accept the proposal of the Underwriter to purchase the Bonds on the terms set forth herein and in the Bond Purchase Agreement, and the proposal appears feasible and reasonable;

(f) The Bonds are, and are hereby designated to be, program bonds as defined in Resolution No. 88R of the City Council adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997; and

(g) Under the provisions of Section 469.162 of the Act and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor charged upon any funds other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; the City is not subject to any liability thereon; no holders of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City; the Bonds shall never constitute an indebtedness of the City, within the meaning of any constitutional, statutory or charter limitation and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and each Bond issued under the Trust Indenture shall recite that the Bond, including interest thereon, shall not constitute nor give rise to a charge against the general credit or taxing powers of the City and does not grant to the owner or holder of any Bond the right to have the City levy taxes or appropriate any funds for the payment of principal thereof or the interest or premium, if any, thereon and the Bond is not a general obligation of the City or individual officers or agents thereof.

5. Approval and Execution of Documents. The forms of Indenture, Loan Agreement and Bond Purchase Agreement referred to in paragraph 3 are approved and shall be executed in the name and on behalf of the City by the Finance Officer or the officers authorized to act on behalf of the foregoing officers, in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof. The Bonds shall be executed as provided by the Indenture. The Bonds shall contain a recital that they are issued pursuant to the Act and such recital shall be conclusive evidence of their validity and the regularity of their issuance.

6. Certifications. The officers of the City are authorized and directed to prepare and furnish to bond counsel, to the Borrower, to the Underwriter and to counsel for the Borrower and the Underwriter, certified copies of all proceedings and records of the City relating to the Project and the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the trust of all statements contained therein.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

The **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Grant Park Project, a housing development bounded by Grant St E, Portland Ave S, 14th St E and the exit ramp off of I-35W, now recommends passage of the accompanying resolutions:

- a) Approving Modification No. 2 to the Grant Park Tax Increment Finance Plan, which updates the tax increment budget and bonded indebtedness sections to allow for refinancing;
- b) Authorizing the issuance of up to \$11,000,000 in Tax-Exempt Tax Increment Revenue Refunding Bonds, which proceeds will be used to prepay the TIF Notes, fund a debt service reserve, and pay for various issuance costs;
- c) Increasing the Community Planning and Economic Development (CPED) Department appropriation and revenue budget by \$11,500,000.

Your Committee further recommends that the proper City officers be authorized to execute any technical amendments to the contract necessary to allow for the issuance of the Tax Increment Revenue Refunding bonds.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-420, adopting Modification No 2 to the Grant Park (formerly The Towers at Elliot Park) Tax Increment Finance (TIF) Plan, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-420
By Goodman and Ostrow

Adopting Modification No 2 to the Grant Park (formerly The Towers at Elliot Park) Tax Increment Finance (TIF) Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and

through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. On June 9, 2000, by Resolution No 2000R-256, the Minneapolis City Council (the "Council") approved the Towers at Elliot Park Redevelopment Plan, and The Towers at Elliot Park TIF Plan, Modification No 7 to the Elliot Park Redevelopment Plan, and Modification No 70 to the Common Plans, all pursuant to and in accordance with the Project Laws.

1.3. On July 12, 2002, by Resolution No 2002R-237, the Council approved Modification No 1 to the Grant Park (formerly the Towers at Elliot Park) TIF Plan, which Modification updated sections of the TIF plan to reflect the most current information available regarding the proposed development in the TIF district and the use of TIF for public project costs, including the name, size, scope and financing method, all pursuant to and in accordance with the Project Laws.

1.4. The City has prepared, and this Council has examined the proposed Modification No 2 to the Grant Park TIF Plan (the "Modification") that updates sections of the TIF Plan to reflect the most current information regarding the use of tax increment financing for paying public project costs and the maximum bonded indebtedness that the City may incur for the project.

1.5. The City and the Council have performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the affected neighborhood group and the Planning Commission, transmittal of the proposed Modification to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

Section 2. Findings for the Adoption of the Modification

2.1. The Council hereby finds, determines and reaffirms the findings required for approval of the original TIF plan in Resolution No 2000R-256.

2.2. The Council further finds, determines and declares that the Modification conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modification were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the objectives and actions authorized by the Modification are all pursuant to and in accordance with the Project Laws.

2.4. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modification.

Section 3. Approval of the Modification

3.1. Based upon the findings set forth in Section 2 hereof, the Modification presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modification

4.1. The officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-421, relating to the tax increment financing of public improvements with respect to the Grant Park multifamily housing development located in the Grant Park Tax Increment Financing District; authorizing the issuance of Tax Increment Refunding Revenue Bonds (Grant Park Project), Series 2006; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligations, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-421
By Goodman and Ostrow

Relating to the tax increment financing of public improvements with respect to the Grant Park multifamily housing development located in the Grant Park Tax Increment Financing District; authorizing the issuance of Tax Increment Refunding Revenue Bonds (Grant Park Project), Series 2006; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligations.

Resolved by The City Council of The City of Minneapolis:

SECTION 1. BACKGROUND

1.01. The Minneapolis Community Development Agency (the "Agency") and the City of Minneapolis (the "City") established the Grant Park Tax Increment Financing District, formerly known as The Towers at Elliot Park Tax Increment Financing District (the "TIF District") pursuant to authority granted by Minnesota Statutes, Sections 469.174-469.1799, as amended (the "Tax Increment Act"), within The Towers at Elliot Park Redevelopment Project Area (the "Redevelopment Project"), established pursuant to Minnesota Statutes, Section 469.001 to 469.047, as amended (the "Redevelopment Act"), and adopted a tax increment financing plan for the purpose of financing certain improvements within the TIF District and the Redevelopment Project. In order to provide for the redevelopment of the Redevelopment Project and the TIF District and, specifically, to provide for the development of a twenty-seven-story residential tower with 284 for-sale condominium units, an adjacent above-grade parking structure with approximately 533 surface and structured stalls, and 43 for-sale residential units located adjacent to the tower and parking structure (the "Project"), the Agency entered into a Contract for Private Redevelopment, dated August 1, 2002 (the "Contract"), between the Agency and Urban Condos, L. L. C. and its assignees (collectively, the "Redeveloper").

1.02. On August 23, 2002, the Board of Commissioners of the Agency adopted Resolution No. 2002-2636M (the "Note Resolution"), which provided for the issuance and sale of its tax increment revenue notes. Pursuant to the terms of the Note Resolution, the Agency issued its Taxable Tax Increment Revenue Notes (Grant Park Project), Series 2002 (the "Series 2002 Notes"), in the principal amount of \$9,825,000, dated as of August 28, 2002, payable from a portion of the proceeds of the Series 2002 Notes and from available tax increment revenues generated from the TIF District.

1.03. Pursuant to Resolution No. 2003R-625, adopted by the City Council of the City on December 29, 2003, and Resolution No. 2003-2863M, adopted by the Board of Commissioners of the Agency on December 29, 2003, the duties of administering all programs, projects, and districts administered by the Agency, including the Redevelopment Plan, the TIF District, and the TIF Plan, were transferred to the City, effective January 1, 2004.

1.04. Pursuant to the terms of the Contract, the Agency agreed to refund the Series 2002 Notes with tax-exempt tax increment revenue bonds when the conditions set forth in the Contract for the issuance of such revenue bonds are satisfied.

1.05. The conditions set forth in the Contract for refunding the Series 2002 Notes with tax-exempt tax increment revenue bonds have been satisfied.

1.06. Pursuant to Section 469.178 of the Tax Increment Act, the City is authorized to issue and sell its bonds for the purpose of financing public development costs in a redevelopment project and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on such obligations.

SECTION 2. ISSUANCE OF THE SERIES 2006 BONDS

2.01. In order to refund the outstanding principal amount of the Series 2002 Notes, there is hereby authorized to be issued by the City the Series 2006 Bonds, as hereinafter defined.

2.02. In order to refund the outstanding principal amount of the Series 2002 Notes, the City Council hereby authorizes the issuance of tax increment revenue bonds to be designated as the "Tax Increment Refunding Revenue Bonds (Grant Park Project), Series 2006 (the "Series 2006 Bonds"), in a principal amount not to exceed \$11,000,000. The Series 2006 Bonds shall be issued on such date and upon

the terms and conditions determined by the Finance Officer of the City (the "Finance Officer"). The Series 2006 Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Series 2006 Bonds shall be issued in one or more series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Series 2006 Bonds are authorized to be issued as obligations the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. This authorization to issue the Series 2006 Bonds is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates and upon such terms and conditions as are deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Series 2006 Bonds to Dougherty & Company LLC (the "Underwriter") upon the offer of the Underwriter to purchase the Series 2006 Bonds in accordance with the terms of a Bond Purchase Agreement, dated on or after August 1, 2006 (the "Bond Purchase Agreement"), between the City and the Underwriter.

2.03. There have been presented to the City Council forms of the following documents: (i) an Indenture of Trust, dated on or after August 1, 2006 (the "Indenture"), between the City and Wells Fargo Bank, National Association, as trustee (the "Trustee"); and (ii) the Bond Purchase Agreement. The Indenture and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this resolution and applicable law that are approved by the Finance Officer of the City.

2.04. The Series 2006 Bonds shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the Indenture. The form of the Series 2006 Bonds included in the Indenture is approved in substantially the form in the Indenture, subject to such changes not inconsistent with this resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Series 2006 Bonds to be issued under the terms of this resolution (subject to the maximum aggregate principal amount for all series authorized by this resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Series 2006 Bonds, and to approve other changes to the other terms of the Series 2006 Bonds which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Series 2006 Bonds shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Series 2006 Bonds in accordance with the authority granted by this resolution. The proceeds derived from the sale of the Series 2006 Bonds, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

2.05. The Series 2006 Bonds shall be secured by the terms of the Indenture and shall be payable solely from Available Tax Increments (as defined in the Indenture) that are expressly pledged to the payment of the Series 2006 Bonds pursuant to the terms of the Indenture.

2.06. It is hereby found, determined, and declared that the issuance and sale of the Series 2006 Bonds, the execution and delivery by the City of the Indenture and the Bond Purchase Agreement (collectively, the "City Documents"), and the performance of all covenants and agreements of the City contained in the City Documents, and of all other acts required under the Constitution and laws of the State of Minnesota to make the Series 2006 Bonds the valid and binding special obligations of the City enforceable in accordance with their respective terms, are authorized by applicable Minnesota law, including, without limitation, the Tax Increment Act and this Resolution.

2.07. Under the provisions of the Tax Increment Act, and as provided in the Indenture and under the terms of the Series 2006 Bonds, the Series 2006 Bonds are not to be payable from or chargeable against any funds other than the revenues pledged to the payment thereof; the City shall not be subject to any liability thereon other than from such revenues pledged thereto; no holder of any Series 2006 Bonds shall ever have the right to compel any exercise by the City of its taxing powers (other than as contemplated by the pledge of tax increment revenues under the terms of the Indenture) to pay the principal of, premium, if any, and interest on the Series 2006 Bonds, or to enforce payment thereof

against any property of the City other than the property expressly pledged thereto; the Series 2006 Bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the revenues expressly pledged thereto; the Series 2006 Bonds shall recite that the Series 2006 Bonds are issued without a pledge of the general or moral obligation of the City, and that the Series 2006 Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Series 2006 Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

SECTION 3. DISCLOSURE DOCUMENTS AND CLOSING CERTIFICATES

3.01. The preparation of an official statement or other form of disclosure document (the "Official Statement") in conjunction with the offer and sale of the Series 2006 Bonds is hereby authorized. When approved by the Finance Officer of the City, the Official Statement is authorized to be distributed in conjunction with the offer and sale of the Series 2006 Bonds. In order to provide for continuing disclosure with respect to the Series 2006 Bonds, the Finance Officer and the Trustee may execute and deliver a Continuing Disclosure Agreement, dated on or after August 1, 2006 (the "Continuing Disclosure Agreement"), between the City and the Trustee, or the Finance Officer may execute and deliver a Continuing Disclosure Certificate, dated on or after August 1, 2006 (the "Continuing Disclosure Certificate"), of the City.

3.02. The Finance Officer is authorized to furnish to the purchasers of the Series 2006 Bonds, on the date of issuance and sale of the Series 2006 Bonds, a certificate that, to the best of the knowledge of such officer, the Official Statement does not, as of the date of closing, and did not, as the time of sale of the Series 2006 Bonds, contain any untrue statement of a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Unless litigation shall have been commenced and be pending questioning the Series 2006 Bonds, the proceedings for approval of the Series 2006 Bonds, tax increment revenues generated or collected for payment of the Series 2006 Bonds, revenues pledged for payment of the Series 2006 Bonds, or the organization of the City, or incumbency of its officers, the Finance Officer shall also execute and deliver a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Series 2006 Bonds, and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Series 2006 Bonds and as to the tax-exempt status of interest on the Series 2006 Bonds.

3.03. The City Clerk, the Finance Officer, and other agents, officers, and employees of the City are hereby authorized and directed, individually and collectively, to furnish to the attorneys approving the Series 2006 Bonds, on behalf of the purchasers of the Series 2006 Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to issue the Series 2006 Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter, the Trustee, or other persons or entities in conjunction with the issuance of the Series 2006 Bonds and the expenditure of the proceeds of the Series 2006 Bonds. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for the proceeds derived from the sale of the Series 2006 Bonds, an order to the Trustee, a general certificate of the City, and an Information Return for Tax-Exempt Governmental Obligations, Form 8038 (Rev. November 2000).

3.04. The City Clerk is hereby authorized and directed to certify a copy of this resolution and the Finance Officer is hereby authorized to cause the same to be filed with the Taxpayer Services Division Manager of Hennepin County, exercising the powers of the county auditor, in accordance with the terms of Minnesota Statutes, Section 475.63, and to obtain the certificate of the Taxpayer Services Division Manager of Hennepin County as to the registration of the Series 2006 Bonds.

SECTION 4. REDEMPTION OF SERIES 2002 NOTES

4.01. The City elects to apply the net proceeds of the Series 2006 Bonds to the optional prepayment of the Series 2002 Notes in accordance with their terms. Following the sale and issuance of the Series 2006 Bonds, the Finance Officer, as Registrar of the Series 2002 Notes, is directed to cause notice of redemption of the Series 2002 Notes to be given to the holders of the Series 2002 Notes in accordance with the terms of the Series 2002 Notes and to take all other actions necessary to cause the redemption and prepayment of the Series 2002 Notes to occur as soon as possible after the date of issuance of the Series 2006 Bonds.

SECTION 5. MISCELLANEOUS

5.01. All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Series 2006 Bonds shall be liable personally on the Series 2006 Bonds or be subject to any personal liability or accountability by reason of the issuance of the Series 2006 Bonds.

5.02. Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the Indenture, the Series 2006 Bonds, and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

5.03. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney has been delegated the authority to sign such document.

5.04. The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Series 2006 Bonds or any related activity which would cause the Series 2006 Bonds to be deemed to be "private activity bonds," within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Series 2006 Bonds or any related activity which would cause the Series 2006 Bonds to be deemed to be "arbitrage bonds," within the meaning of Section 148 of the Code. Furthermore, the City shall take all such actions as may be required under the Code to ensure that interest on the Series 2006 Bonds is not and does not become includable in gross income for federal income tax purposes.

5.05. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated hereby is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Series 2006 Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Series 2006 Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel, or other counsel retained by the City to review such amendments; (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character of interest on the Series 2006 Bonds, if the Series 2006 Bonds are then tax-exempt obligations; and (f) such amendments do not materially prejudice the interests of the owners of the

Series 2006 Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney has been delegated the authority to execute and deliver such instrument.

5.06. Effective Date. This Resolution shall take effect and be in force from and after its approval and publication.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

RESOLUTION 2006R-422
By Goodman and Ostrow

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the revenue source in the Community Planning and Economic Development (CPED) Debt Service Fund (DDS0-890-8490-3912) by \$11,500,000 (\$11,000,000 from bond proceeds plus \$500,000 from CTE0 Fund balance transfer);

b) Increasing the appropriation for the CPED Agency in the CPED Debt Service Fund (DDS0-890-8952) by \$11,500,000;

c) Increasing the appropriation for the CPED Agency in the Towers at Elliot Park #104 Fund (CTE0-890-8952) by \$500,000.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev & W&M/Budget - Your Committee, having under consideration facilitation of the redevelopment of a block bounded by Hiawatha and Minnehaha Aves, E 46th St, and Nawadaha Blvd, within the 46th Street Light Rail Transit Station Area Redevelopment Project, now recommends passage of the accompanying resolution approving Modification No. 1 to the 46th Street LRT Station Area Redevelopment Plan, which identifies two parcels that may be acquired to facilitate the extension of Snelling Ave past its southern terminus at E 36th St and construction of stormwater treatment infrastructure; and approving Modification No. 108 to the Common Development and Redevelopment and Common Tax Increment Financing Plan, which expands the boundary of the Common Project Area to include the 46th Street LRT Station Area Project Area; identifies two parcels that may be acquired; and identifies \$1.1 million in Common Project Reserve Funds set aside for transit-oriented development as a funding source for acquisition of the two parcels.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-423, adopting Modification No 1 to the 46th Street Light Rail Transit (LRT) Station Area Redevelopment Plan and Modification No 108 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-423
By Goodman and Ostrow

Adopting Modification No 1 to the 46th Street Light Rail Transit (LRT) Station Area Redevelopment Plan and Modification No 108 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City has approved the creation of the Common Development and Redevelopment Project ("the Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the "Common Plans") relating thereto, all pursuant to the Project Laws.

1.3. That by Resolution No 2003R-304 duly adopted on July 11, 2003, the City approved the creation of the 46th Street LRT Station Area Redevelopment Project (the "Project Area") and the adoption of the 46th Street LRT Station Area Redevelopment Plan.

1.4. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed Modification No 1 to the 46th Street LRT Station Area Redevelopment Plan and a proposed Modification No 108 to the Common Plans (the "Modifications"), expanding the boundary of the Common Project to include the 46th Street LRT Station Area project area, identifying property that may be acquired, and identifying Common Project Reserve Funds as a funding source for acquisition, all pursuant to and in accordance with the Project Laws.

1.5. The City has prepared, and this Council has investigated the facts with respect to the proposed Modifications, describing more precisely the activities to be undertaken, identifying future land uses, identifying property that may be acquired, and estimating public costs and funding sources, all pursuant to and in accordance with the Project Laws.

1.6. The City has performed all actions required by law to be performed prior to the adoption of the Modifications, including, but not limited to, a review of the proposed Modifications by the affected neighborhood group and the City Planning Commission, transmittal of the proposed Modifications to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.7. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Modifications to reflect project activities and costs in the Project Area and the Common Project Area.

Section 2. Findings for the Adoption of the Modifications

2.1. The Council hereby finds, determines and declares that the Modifications will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the project by private enterprise.

2.2. The Council further finds, determines and declares that the Modifications are necessary to finance a portion of the public redevelopment activities needed to implement the objectives of the 46th Street LRT Station Area Redevelopment Plan and the Common Plans.

2.3. The Council further finds, determines and declares that the Modifications conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modifications were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.4. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modifications.

Section 3. Approval of the Modifications

3.1. Based upon the findings set forth in Section 2, Modification No 1 to the 46th Street LRT Station Area Redevelopment Plan and Modification No 108 to the Common Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modifications

4.1. After passage and publication of this Resolution, the officers and staff of the City, and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Modifications, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and enter into a contract with Leo A Daly for architectural and engineering services at the Target Center, for a term of two years with two, two-year renewals, in an amount not to exceed \$400,000 per two year term.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev & W&M/Budget - Your Committee recommends approval of the Community Planning & Economic Development (CPED) Department request to provide up to \$500,000 of Residential Finance Mortgage program income to the Affordable Ownership Housing Program.

Your Committee further recommends passage of the accompanying resolution increasing the CPED Department appropriation in the Residential Finance Mortgage fund by \$500,000.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

RESOLUTION 2006R-424

By Goodman and Ostrow

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Residential Finance Fund (SRF0-890-8952) by \$500,000.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Comm Dev & W&M/Budget – Your Committee, having under consideration receipt of environmental remediation grant awards, now recommends that the proper City officers be authorized to accept and appropriate awards for the following projects, and to execute such grants, subrecipient and/or disbursement and related agreements as necessary to implement these grants:

Metropolitan Tax Base Revitalization Account (TBRA) Grants:

Project	Grant Award
2112 Broadway St NE	\$70,800
The Bridge for Runaway Youth	\$51,000
Van Cleve Court	\$121,500

Minnesota Department of Employment and Economic Development (DEED) Grants:

Project	Grant Award
Pacific Block	\$50,000

Hennepin County Environmental Response Fund (ERF) Grants:

Project	Recipient	Grant Award
3445 - 1 st Ave S	Hennepin County	\$90,000
Anishinabe Bii-Gii-Winn	City on behalf of American Indian Community Development Corporation	\$26,000
Fusion	Gateway LLC	\$40,000
Pacific Block	City on behalf of Pacific Flats LLC	\$25,000
The Bridge for Runaway Youth	The Bridge for Runaway Youth	\$136,600
Van Cleve Court	Project for Pride in Living	\$243,000
Riverside Market	Seward Redesign	\$149,700

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning & Economic Development appropriations to reflect the receipt of said grant funds.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/2006).

RESOLUTION 2006R-425

By Goodman and Ostrow

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation for the Community Planning and Economic Development (CPED) Agency in the Other Grants-State & Local Fund (0600-890-8933) by \$145,800;

b) Increasing the appropriation in the CPED Agency revenue source in the Other Grants-State & Local Fund (0600-890-8952) by \$198,500; and

c) Increasing the CPED Agency revenue source in the Other Grants-State & Local Fund (0600-890-8490-3215-04 by \$293,300 and 0600-890-8490-3220-02 by \$51,000) by \$344,300.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/2006).

Comm Dev & W&M/Budget - Your Committee, having under consideration the report of increased demand for home improvement loan and grant program funds through the Greater Metropolitan Housing Corporation, the organization that administers home improvement programs on behalf of the City, and the recommendations of the Community Planning & Economic Development (CPED) Department for:

a) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation in the Residential Finance fund by \$1,000,000;

b) Approval of the application for Minnesota Housing Finance Agency CRV funds; and
c) Approval of a modification of the code abatement program guidelines as set forth in the CPED staff report which will allow the State's \$500,000 and the City's \$500,000 match to be used to provide code abatement loans for households with household income up to 80% of the area median;

now recommends:

Comm Dev - Approval of recommendations "a through c."

W&M/Budget - Approval of recommendations "a and b," and approval of recommendation "c" amended to read as follows:

"c) Approval of a modification of the code abatement program guidelines as set forth in the CPED staff report which will allow the State's \$500,000 and the City's \$500,000 match to be used to provide code abatement loans for households with household income up to 60% of the area median."

Benson moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Community Development Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent – Samuels, Colvin Roy, Remington.

The report, as amended, was adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/2006).

RESOLUTION 2006R-426

By Goodman and Ostrow

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Residential Finance Fund (SRF0-890-8953) by \$1,000,000.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/2006).

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to animals, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Title 4, Chapter 62 relating to *Animals and Fowl: In General*, eliminating the enforcement of Chapters 64 and 66 by the Department of Health and giving enforcement powers to Minneapolis Animal Care & Control; and deleting the requirement for a sterilization deposit fee upon the redemption of any lawfully impounded dog or cat over six months of age found at large and not previously sterilized.

b. Title 4, Chapter 64 relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, eliminating veterinarian partial reimbursement for spaying/neutering and eliminating the petty misdemeanor penalty and replacing it with an administrative fine; eliminating the \$100 fine for not having a pet license and replacing it with an administrative fine; increasing the annual license fee for both dogs and cats; creating a lifetime license with requirements for both dogs and cats; and transferring the authority for animal regulation from the Commissioner of Health and/or Licenses & Consumer Services to Minneapolis Animal Care & Control.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Ordinance 2006-Or-094 amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: In General*, amending Sections 62.10, 62.20, 62.30, 62.40, 62.70 and 62.80 to establish Minneapolis Animal Care & Control as the enforcement authority for the provisions of Chapters 64 and 66; and deleting the requirement for a sterilization deposit fee upon the redemption of any lawfully impounded dog or cat over six months of age found at large and not previously sterilized, was adopted 8/18/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-094
By Samuels
Intro & 1st Reading: 6/30/2006
Ref to: PS&RS
2nd Reading: 8/18/2006

Amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to Animals and Fowl: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 62.10 of the above-entitled ordinance be amended to read as follows.

62.10. Enforcement by department of health. Enforcement by Minneapolis Animal Care & Control. ~~The department of health shall enforce the provisions of Chapters 64 and 66. Minneapolis Animal Care & Control shall enforce the provisions of Title 4.~~

Section 2. That Section 62.20 of the above-entitled ordinance be amended to read as follows:

62.20. Animal control officer; animal wardens. ~~The commissioner of health Minneapolis Animal Care & Control~~ may appoint or designate an inspector to be detailed as animal control officer to enforce the provisions of this chapter and to perform such duties in connection with the enforcement thereof as the ~~commissioner of health~~ Manager of Minneapolis Animal Care & Control or the Code of Ordinances may direct. ~~The commissioner of health Minneapolis Animal Care & Control~~ may employ, at such times as ~~he or she may deemed~~ necessary, persons to be designated as animal wardens and equipment for the purpose of capturing and conveying to an animal ~~pound~~ shelter all animals in violation of this Code. Such animal wardens shall be under the supervision of the animal control officer and the ~~commissioner of health~~ Manager of Minneapolis Animal Care & Control. Such animal wardens are authorized to issue violation tags and to carry and display appropriate badges or identification.

Section 3. That Section 62.30 of the above-entitled ordinance be amended to read as follows:

62.30. Interfering with animal wardens. No person shall in any manner molest, hinder or interfere with the ~~commissioner of health~~ Manager of Minneapolis Animal Care & Control, his or her agents, any police officer, or any animal warden employed directly or by contract with the city to capture animals and convey them to the animal ~~pound~~ shelter while such person is engaged in such occupation.

Section 4. That Section 62.40 of the above-entitled ordinance be amended to read as follows:

62.40. Release from shelter. (a) All animals conveyed to the shelter shall be kept with kind treatment and sufficient food and water for their comfort, at least five (5) days, unless sooner reclaimed by their owner as herein provided. Any animal who has not bitten or been bitten and is thereby subject to the provisions of Chapter 66 may be released upon payment of a fifty dollar (\$50.00) impoundment fee, for the first impoundment within a twelve (12) month period, and upon furnishing of proof of a license or purchasing a license and upon showing a certificate of vaccination as required by sections 66.10, 66.20, and 66.25 or agreeing in writing to obtain such a certificate of vaccination within seven (7) days of release. The second impoundment fee within a twelve (12) month period shall be seventy-five dollars (\$75.00). The third impoundment fee within a twelve (12) month period shall be one hundred dollars (\$100.00). If a license is purchased, an additional ten dollar (\$10.00) penalty fee will be charged unless such purchase constitutes a renewal within the time allowed in section 64.30.

(b) In addition to subsection (a), the owner of any animal which is lawfully impounded shall pay all fees and expenses related to such impoundment whether or not the animal is claimed. These fees include, but are not limited to, vaccination, examination, any medical treatment fees for the animal, and board costs of fifteen dollars (\$15.00) per calendar day.

(c) Upon redemption of any lawfully impounded dog or cat over six (6) months of age found at large and not previously sterilized, the owner shall deposit with the animal control shelter a sterilization deposit fee. The fee shall be set by the director of licenses and consumer services and shall be in addition to any other redemption fees set forth in subsections (a) and (b). Such sterilization deposit shall be fully refundable upon proof that the animal has been sterilized by a licensed veterinarian within forty-five (45) days of the redemption date. Such sterilization deposit shall also be refundable if the owner submits, within forty-five (45) days, a written certification from a licensed veterinarian stating that, due to health considerations, the animal should not be sterilized. The deposit required by this section shall be forfeited to the city if such proof of sterilization or written certification has not been presented to animal control within the specified period.

Section 5. That Section 62.70 of the above-entitled ordinance be amended to read as follows:

62.70. Dispersal of fees. The commissioner of health Minneapolis Animal Care & Control shall pay over monthly to the city finance officer all moneys received for the releasing of animals from the pound.

Section 6. That Section 62.80 of the above-entitled ordinance be amended to read as follows:

62.80. Appropriation for animal pound Minneapolis Animal Care & Control. There shall be included in the annual appropriation for the department of health Minneapolis Animal Care & Control, sufficient funds to pay the expense of maintaining the animal pound shelter and employing persons to capture and convey animals to such pound animal shelter and other expenses incident to the enforcement of this title.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Ordinance 2006-Or-095 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending Sections 64.10, 64.30, 64.40, and 64.140 to change the licensing authority from the Department of Licenses and Consumer Services to Minneapolis Animal Care & Control; eliminate the fine for an unlicensed dog or cat and replace with an administrative fine; increase the license fees from \$15 to \$30 for spayed or neutered dogs and cats; and \$30 to \$50 for unsplayed or unneutered dogs and cats; establish a lifetime license fee of \$200 for dogs and cats that are spayed or neutered and are microchipped; eliminate the payment of an administrative expense to veterinary clinics that are contracted with Minneapolis Animal Care & Control to process dog and cat license applications; and eliminating the provision allowing for partial reimbursement of veterinarians for spaying or neutering, was adopted 8/18/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-095

By Samuels

Intro & 1st Reading: 6/30/2006

Ref to: PS&RS

2nd Reading: 8/18/2006

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 64.10 of the above-entitled ordinance be amended to read as follows:

64.10. License required. No person shall keep, harbor, or maintain care, custody, or control over any dog or cat over four (4) months of age, for a period in excess of five (5) days, without first having obtained a dog or cat license from the department of licenses and consumer services Minneapolis Animal Care & Control. This section shall not apply to any premises maintained by a licensed veterinarian or a licensed pet shop operator. Every person convicted of a violation of this provision shall be punished by a fine of not more than one hundred dollars (\$100.00). Violations of this provision may result in an administrative fine.

Section 2. That Section 64.30 of the above-entitled ordinance be amended to read as follows:

64.30. License application and fee. (a) Every person required to obtain a dog license under this chapter shall make application to the department of licenses and consumer services Minneapolis Animal Care & Control for a dog or cat license. The license which shall expire on January thirty-first next after the issuance of each year. The annual fee for such a license shall be thirty dollars (\$30.00) for unspayed or unneutered dogs, and fifteen dollars (\$15.00) for spayed or neutered dogs or puppies under eight (8) months of age. Every person required to obtain a cat license under this chapter shall make application to the department of licenses and consumer services for a cat license which shall expire on January thirty-first next after the issuance. The annual fee for such a license shall be thirty dollars (\$30.00) for unspayed or unneutered cats, and fifteen dollars (\$15.00) for spayed or neutered cats or kittens under eight (8) months of age. As a condition for the issuance of a dog or cat license, the applicant shall certify that the dog or cat has been vaccinated against rabies in conformance with the requirements of this Code.

(b) ~~The department of licenses and consumer services Minneapolis Animal Care & Control shall provide each dog and cat licensed hereunder with a metallic tag upon which shall be stamped or engraved the register number of the dog or cat and the year registered. The design of such metallic tags shall be changed each year. The annual fee for a dog or cat license required by this Code shall be thirty dollars (\$30.00) for a spayed or neutered dog or cat; verification that the dog or cat has been spayed or neutered is required. The annual fee for an unneutered or unspayed dog or cat shall be fifty dollars (\$50.00). A lifetime license is available for dogs and cats that are spayed or neutered and are micro-chipped. Certification by a licensed veterinarian that the animal is spayed or neutered is required for a lifetime license. The microchip number and manufacturer must be provided for the lifetime license to be issued. The fee for a lifetime license issued on or before December 31, 2006 shall be one hundred dollars (\$100.00). The fee for a lifetime license issued after December 31, 2006 shall be two hundred dollars (\$200.00). There shall be no reimbursement of any license fee, including lifetime, upon the death or removal of the animal from the city and fees shall not be prorated. Animals declared dangerous and potentially dangerous are not eligible for lifetime licenses.~~

(c) Dogs in training with or trained by a recognized program with an established curriculum for training dogs for service to persons with disabilities, and dogs and cats awaiting adoption in foster homes under a recognized pet adoption program, shall be exempt from the license fees in this section. To qualify for an exemption, such programs shall be approved by the ~~director of licenses and consumer services~~ Manager of Minneapolis Animal Care & Control.

(d) Transfer of License. Licenses obtained under this chapter are not transferable from one owner to another owner. Licenses obtained under this chapter are not transferable from one animal to another.

(e) ~~The department of licenses and consumer services Minneapolis Animal Care & Control may contract with approved veterinary clinics to receive dog and cat license applications and to remit the application and fee to the department Minneapolis Animal Care & Control. The department may further contract to pay the veterinary clinics processing the applications two dollars (\$2.00) per license to cover administrative expense.~~

Section 3. That Section 64.40 of the above-entitled ordinance be amended to read as follows:

64.40. Duplicate tags. ~~If in case the metallic license tag issued for a dog or cat is lost or stolen, the original applicant upon presenting and surrendering to the department of licenses and consumer services Minneapolis Animal Care & Control the license or receipt issued when the dog or cat was licensed as herein provided, shall receive a duplicate tag and a duplicate license upon payment of a five dollar (\$5.00) duplication fee to the department of licenses and consumer services, Minneapolis Animal Care & Control, which duplicate license shall be issued as the original license. No person shall be granted a duplicate tag and license unless the original tag has been lost or stolen, and the department of licenses and consumer services may, before issuing such duplicate tag and license, require an affidavit to be made and furnished by such applicant for a duplicate tag and license, setting forth the fact that such tag has been lost or stolen and is not at the time in his possession.~~

Section 4. That Section 64.140 of the above-entitled ordinance be amended to read as follow:

64.140. Dogs and cats purchased or adopted from animal control shelter: spaying or neutering required. (a) When a dog or cat not previously sterilized is sold or released for adoption by the city animal control shelter Minneapolis Animal Care & Control, the buyer or adopting party must:

- (1) Sign a written agreement to have the dog or cat sterilized. If the dog or cat is less than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized by the age of six (6) months. If the dog or cat is more than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized within thirty (30) days of purchase or adoption; and Proof of sterilization by a licensed veterinarian must be provided to Minneapolis Animal Care & Control upon sterilization of the animal.
- ~~(2) Deposit with the animal control shelter a fee to help cover the cost of sterilization and administration. The fee shall be set by the commissioner of health.~~
- ~~b) Upon receipt by the animal control shelter of a signed statement from a veterinarian attesting that the animal has been sterilized, the shelter shall remit the deposited fee, less the administrative fee, to the veterinarian.~~
- ~~(e) (b) The commissioner of health Minneapolis Animal Care & Control is authorized to establish a cooperative program to perform sterilizations pursuant to this section before the buyer or adopting party takes custody of an animal. The program may involve sterilizations at the animal control shelter using volunteer veterinarians, or transportation of animals to and from a veterinary hospital for sterilization at that location.~~
- ~~(d) (c) No person, having agreed in writing to have an animal sterilized pursuant to this section, shall intentionally fail or refuse to have such sterilization performed within the time specified in the agreement. Violation of this subsection is a petty misdemeanor punishable by a an administrative fine not to exceed of two hundred dollars (\$200.00). Further, the commissioner of health or the commissioner's representatives Minneapolis Animal Care & Control are is authorized to seize any animal which the owner has failed to sterilize in accordance with this section and to resell the animal or destroy the animal accordingly. In such a case, the deposited with the animal control shelter shall be forfeited.~~
- ~~(e) Upon written application by the buyer or adopting party, the commissioner of health may waive the provisions of this section requiring sterilization, upon a showing that the animal is a verifiable purebred breeding animal.~~
- ~~(f) Nothing in this section shall be construed to authorize the commissioner of health to sterilize a dog or cat which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.~~

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the application of Cafe Thang Bom & Music Inc, dba Cafe Thang Bom & Music, 2647 Nicollet Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the application of Cars-R-Coffins LLC, dba CRC Coffee Bar & Bike Shop, 3346 Lyndale Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the application of RWB Minneapolis LLC, dba NBA City, 600 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (expansion of premises for sidewalk cafe) to expire January 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the application of Caba Group Inc, dba Matty B's, 501 Washington Av S, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/06)

PS&RS - Your Committee, having under consideration the application of Bramare LLC, dba Toast Wine Bar & Cafe, 415 1st St N, Suite #1, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the application of Haze 2 Group, dba Grumpys Bar, 2200 4th St NE, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises for an outdoor seating area on private property) to expire October 1, 2006, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Ostrow moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 8/18/2006.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Resolution 2006R-427, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-427

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire July 1, 2007

Michalaur, LLC, dba Hum's Liquor Store, 2126 Lyndale Av S

Off-Sale Liquor, to expire October 1, 2007

Brothers Greer Inc, dba Witt's Liquors, 19 S 7th St

Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE

JPOC Inc, dba Union Liquor Store, 3219 Penn Av N

East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St

France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Av S

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2007

Bellanotte Hospitality LLC, dba Bellanotte, 600 Hennepin Av #170

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2007

Minneapolis Society of Fine Arts, dba Artscape, 2400 3rd Av S

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2007

Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2007

St Regis Blue Star LLC, dba Rossi's, 80 S 9th St

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2007

Hard Rock Cafe International (USA) Inc, dba Hard Rock Cafe, 600 Hennepin Av #100

WJ&M Inc, dba The Corner Bar, 1501 Washington Av S

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2007

Babalu LLC, dba Babalu, 800 Washington Av N #102

Restaurants Unlimited Inc, dba Walker Room, 825 Hennepin Av #245

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2007

Westbank Productions Co LLC, dba 400 Bar, 400 Cedar Av S

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2007

Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St SE

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2007

Jacob Morris Properties Inc, dba Cafe Havana, 119 Washington Av N

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2007

The Bulldog Restaurant Inc, dba The Bulldog Restaurant, 2549 Lyndale Av S

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2007

Uptown Drink LLC, dba Uptown Drink, 1400 Lagoon Av

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2007

Starmac Inc, dba Champions Saloon & Eatery, 105 W Lake St

Preston's of Minneapolis Inc, dba Sgt Preston's, 221 Cedar Av S

Largo Enterprises Inc, dba Whitey's World Famous Saloon, 400 E Hennepin Av

Ramez Enterprises Inc, dba Arone's Bar, 500 Central Av NE

Tuttle Inc, dba Elsie's, 729 Marshall St NE

Parker Investments Inc, dba Northeast Yacht Club, 801 Marshall St NE

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2007

Morton's of Chicago/Minneapolis Inc, dba Morton's of Chicago, 555 Nicollet Mall

Restaurants Unlimited Inc, dba Palomino, 825 Hennepin Av

Maxwell's Operations LLC, dba Maxwells American Cafe, 1201 Washington Av S

On-Sale Liquor Class E, to expire October 1, 2007

Halek's Inc, dba Halek's Bar, 2024 Washington Av N

Liquor Catering Services, to expire August 1, 2007

Prom Catering, dba Prom Catering, 484 Inwood Av, Oakdale

Mintahoe Inc, dba Mintahoe Hospitality Group, 1021 Bandana Blvd E, St. Paul

Temporary On-Sale Liquor

Theatre in the Round Players Inc, dba Theatre in the Round Players, 245 Cedar Av S (August 18, 2006, 6:00 p.m. to 11:30 p.m.; Licensed facilitator: Sgt Preston's Saloon & Eatery)

On-Sale Wine Class D with Strong Beer, to expire April 1, 2007

Salmo International LLC, dba Jerusalem's Restaurant, 1518 Nicollet Av

On-Sale Wine Class E with Strong Beer, to expire April 1, 2007

Noodle Shop Co Minnesota Inc, dba Noodles & Company, 616 Washington Av SE

D'Amico & Sons LLC, dba D'Amico & Sons, 2210 Hennepin Av

Off-Sale Beer, to expire April 1, 2007

Saraleen Food Inc, dba Morevalu Food, 2600 Cedar Av S (new proprietor)

JPR Inc, dba Eighth Street Market, 630 8th St SE

First Como Market Inc, dba First Como Market Inc, 1523 Como Av SE

Al-Arabi Hisham, dba Sam's Golden Valley Foods, 1840 Penn Av N

Amo Inc, dba Pennwood Market, 2125 Glenwood Av

Lela Inc, dba Lyndale Grocery & Deli, 2551 Lyndale Av S
Best Food Market Inc, dba Best Food Market, 3756 Nicollet Av
Speedway Super America LLC, dba Super America #4135, 4001 Lyndale Av S
Taylor-Wood Inc, dba Nokomis Food Pride, 5025 34th Av S

On-Sale Beer Class D, to expire April 1, 2007

Sanmar Inc, dba Roundup Beer Hall, 201 E Lake St

On-Sale Beer Class E, to expire April 1, 2007

Minh Le Corp, dba Bona Restaurant, 815 Washington Av SE
Kinhdo Plus Corporation, dba Kinhdo Restaurant, 2755 Hennepin Av
Minneapolis Park & Recreation Board, dba Hiawatha Golf Course, 4553 Longfellow Av
Skylane Bowling Center Inc, dba Skylanes, 5019 34th Av S

Temporary On-Sale Beer

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (September 16, 2006, 4:00 p.m. to 9:00 p.m.; and September 17, 2006, 11:00 a.m. to 8:00 p.m.)

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5425 11th Av S (September 22, 2006, 6:00 p.m. to 10:00 p.m.; September 23, 2006, Noon to 10:00 p.m.; and September 24, 2006, Noon to 3:00 p.m.)

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (October 15, 2006, Noon to 5:00 p.m.)

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Resolution 2006R-428, granting applications for Business Licenses, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-428

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of August 18, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 271427):

Place of Entertainment; Confectionery; Farm - Produce Permits; Grocery; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Motor Vehicle Dealer – Cycles & Motorbikes; Motor Vehicle Dealer – Additional Lot; Motor Vehicle Repair Garage; Public Market; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Solid Waste Hauler; Taxicab Service Company; Tobacco Dealer and Tree Servicing.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Resolution 2006R-429, granting applications for Gambling Licenses, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-429

By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Class B

Church of the Incarnation, dba Church of the Incarnation, 3800 Pleasant Av (Off-site gambling October 6, 7 & 8, 20906; Pulltabs and Raffle at San Miguel School, 3800 Pleasant Av S

Gambling Lawful Exempt

Northeast Minneapolis Chamber of Commerce, dba Northeast Minneapolis Chamber of Commerce, 2535 Central Av NE (Raffle September 12, 2006 at Ukrainian Event Center, 301 Main St NE)

Access Ability, Inc, dba Accessibility, 360 Hoover St NE (Raffle September 14, 2006)

St John the Baptist Byzantine Catholic Church, dba St John Byzantine Catholic Church, 2215 3rd St NE (Bingo, Raffle, Paddlewheel and Pulltabs October 15, 2006).

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the property located at 1430 Irving Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 4, Block 2, Crepeau's Addition to Minneapolis (PID #16-029-24-34-0029), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to demolish the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

a. 2020 Penn Av N, legally described as Lot 26, Block 24, Forest Heights (PID #16-029-24-23-0144).

b. 2030 Sheridan Av N, legally described as Lot 30, Block 3, Nichols-Frissell Co.'s Shady Oaks Addition to Minneapolis (PID #17-029-24-14-0096).

c. 2332 McNair Av, legally described as Lot 30, Auditor's Subdivision No. 150 (PID #17-029-24-11-0236).

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Angelen Borodin for the property located at 1539 E 26th St, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to comply with the conduct on licensed premises provisions of Section 244.2020 of the Minneapolis Code of Ordinances.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **TRANSPORTATION & PUBLIC WORKS** committees submitted the following report:

PS&RS & T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and execute contracts with Final Touch and Sani-Masters to provide services for the removal of graffiti on sensitive surfaces.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution directing staff to waive permit fees associated with the Solar Thermal Power Project.

Adopted 8/18/2006. Yeas, 7; Nays, 3 as follows:

Yeas – Hodges, Gordon, Ostrow, Schiff, Lilligren, Glidden, Benson.

Nays – Hofstede, Goodman, Johnson.

Absent – Samuels, Colvin Roy, Remington.

Resolution 2006R-430, directing staff to waive permit fees associated with the Solar Thermal Power Project, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-430

By Gordon

Directing staff to waive permit fees associated with the Solar Thermal Power Project.

Whereas, the City of Minneapolis Sustainability Indicator Target for Carbon Dioxide Emissions calls for a 12 percent reduction in Citywide emissions by 2012 and a 20 percent reduction by 2020; and

Whereas, the City of Minneapolis Sustainability Indicator Target for Renewable Energy Use calls for a Citywide increase to 15 percent over Stat/Federal mandates; and

Whereas, Solar Thermal technology could not only help meet these indicators but protect Minneapolis residents from likely volatility in natural gas markets; and

Whereas, the Solar Thermal Pilot Project has encountered unanticipated costs directly related to the difficulty of installing Solar Thermal systems on older, urban homes; and

Whereas, the Solar Thermal Pilot Project has produced a wealth of information for the City and residents about budgeting and best practices for future installations of solar thermal on older homes; and

Whereas, Solar Thermal Pilot Project participants live in six neighborhoods and five wards across the City; and

Whereas, it is in the best interest of the City of Minneapolis for the Solar Thermal Pilot Project to succeed; and

Whereas, this is a unique circumstance that should not be construed to set a precedent for waiving future permit fees for any project in the City of Minneapolis; and

Whereas, a small investment of City resources will leverage dollar-for-dollar matching contributions from the Center for Energy and Environment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in accordance with the City's sustainability targets and with the specific goals of reducing carbon dioxide emissions and increasing renewable energy use, the Department of Regulatory Services, Inspections Division, is directed to waive permit fees associated with the Solar Thermal Power Project up to \$275 per address for the initial project only, in total not to exceed \$3,300.

Adopted 8/18/2006. Yeas, 7; Nays, 3 as follows:

Yeas – Hodges, Gordon, Ostrow, Schiff, Lilligren, Glidden, Benson.

Nays – Hofstede, Goodman, Johnson.

Absent – Samuels, Colvin Roy, Remington.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Nicollet Avenue South Special Service District proposed services and service charges, now recommends that the proper City officers update the calculations for the 2006 service charges.

Your Committee further recommends that a public hearing be set for September 26, 2006 to consider the proposed services and service charges, as updated for 2006, as well as the proposed services and service charges for 2007.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

T&PW - Your Committee recommends that the proper City officers be authorized to work with Burlington Northern Santa Fe Railway Company (BNSF) to develop a plan for the closure of Talmage Avenue Southeast (between 20th and 21st Avenues Southeast) by removing the at-grade railroad crossing in order to improve public safety.

Glidden moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to engage in formal discussions and negotiate and execute a new lease for office space for the Civilian Review Authority.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to engage in formal discussions and negotiate and execute a new ten (10) year contract with NRG Energy Center Minneapolis, LLC, for the purpose of steam for heating and domestic hot water at the Minneapolis Public Service Center (250 S 4th St).

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution closing project funds for the following capital projects:

- West Broadway
- East Hennepin
- Hennepin-Stinson
- Glenwood Avenue
- East 50th Street
- LRT Reverse Flow Bus
- 6th Street Northeast Alley

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

RESOLUTION 2006R-431
By Colvin Roy and Ostrow

Amending The 2006 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the following list of capital project appropriations be decreased:

- E 50th Street project (4100-937-9374 project 26403) by \$122,679.03
- E 50th Street project (4100-932-9324 project 26403) by \$105.05
- LRT Reverse Flow Bus project (4100-937-9374 project BUSLR) by \$199,091.75

Be It Further Resolved that the following capital project appropriation be increased:

- 6th Street NE Alley project (4100-937-9374 project A2235) by \$678.00

Be It Further Resolved that the following list of capital projects be closed financially:

- West Broadway project (4100-937-9374 project A0205)
- East Hennepin project (4100-937-9374 project A0207)
- Hennepin-Stinson project (4100-937-9374 project A0523)
- Glenwood Ave CSA project (4100-937-9374 project A0238)
- E 50th Street project (4100-937-9374 project 26402)
- E 50th Street project (4100-937-9374 project 26403)
- E 50th Street project (4100-932-9324 project 26402)
- E 50th Street project (4100-932-9324 project 26403)
- LRT Reverse Flow Bus project (4100-937-9374 project BUSLR)
- 6th Street NE Alley project (4100-937-9374 project A2235)

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6628, Accept responsive bid of Brown Traffic Products, Inc., in the amount of \$1,209,850, to furnish and deliver traffic signal control cabinets and equipment;

b) OP 6634, Accept responsive bid of Cramer Building Services, in the amount of \$97,175, to furnish and deliver all labor, materials, equipment, and incidentals necessary for building automation changes at municipal parking ramps; and

c) OP 6640, Accept responsive bid of Prairie Technologies, Inc. of Minnesota, d/b/a Direct Digital Controls, in the amount of \$69,480, to furnish, deliver, and install carbon monoxide sensors and fan controls at the LaSalle Parking Ramp.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 271436).

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-432, authorizing settlement of the legal claims of James and Gayle Wilson and Therian Johnson, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-432

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

a) James and Gayle Wilson v. the City of Minneapolis by payment of \$22,500, payable to James and Gayle Wilson and their attorney, Robert L. Lazear;

b) Therian Johnson v. Reola Cain Riley and the City of Minneapolis, by payment of \$10,000, payable to Therian Johnson and his attorney, Benjamin F. Gallagher, Esq. of Gallagher Law Firm; and

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements and release of claims.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

W&M/Budget - Your Committee recommends that the City Attorney be authorized to amend the "Master Agreement" with Lockridge, Grindel and Nauen, for the period of January 1, 2004 through December 31, 2006 with the cost of said agreement not to exceed \$900,000 for the three year period.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

W&M/Budget - Your Committee recommends approval of the two September 2006 utility billing inserts:

a) on behalf of the Finance Department, Utility Billing Division and Civil Rights, Multicultural Services Division offering a better understanding of the Utility Bill in multiple languages (English, Spanish, Hmong and Somali); and

b) on behalf of the Finance Department promoting the "Direct Payment Program".

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

W&M/Budget - Your Committee recommends approval of the following charitable campaign federations to participate in the 2006 City of Minneapolis Charitable Campaign.

a) Community Solutions Fund;

b) Community Health Charities;

c) Open Your Heart to the Hungry and Homeless;

d) United Negro College Fund;

e) United Arts;

f) Minnesota Environmental Fund; and

g) United Way of Minneapolis Area.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/2006)

Resolution 2006R-433, approving construction change orders for contracts related to the New Central Library Project, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-433
By Ostrow

Approving Change Orders for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order No. 5 increasing Contract Number C-20073 with New Mech Companies by \$96,327;

b) Change Order No. 7 decreasing Contract Number C-20306 with LeJeune Steel Company by \$10,573;

c) Change Order No. 7 increasing Contract Number C-19758 with Graham Penn-Co Construction, Inc. by \$218,516;

d) Change Order No. 5 increasing Contract Number 019830 with Schindler Elevator Corporation by \$21,057; and

e) Change Order No. 10 increasing Contract Number C-20345 with Egan Companies, Inc. d. b. a. Egan McKay Electrical by \$266,130.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

W&M/Budget – Your Committee, having under consideration a report passed by the City Council on June 16, 2006 authorizing Request for Proposals (RFP) to provide in-house security services at the Minneapolis Convention Center, and staff having requested that the RFP be altered to include additional services, now recommends that the proper City officers be authorized to issue a new RFP to add Minneapolis Waterworks and Public Works On-call services for an initial one year period, effective October 1, 2006, with two one-year renewable options, at an estimated combined annual cost of \$2,010,000 (\$1,300,000 payable from Convention Center Fund and Agency 0760-MCC and \$710,000 payable from Property Services Fund 6200-680-6822). Further, that staff be directed to incorporate the City's Living Wage Ordinance requirements in the new RFP.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

W&M/Budget & Z&P – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for development of the Uptown Small Area Plan (The study area has boundaries of Calhoun Parkway, 28th St with the exception of the residential area between 28th and the Mall and west of Humboldt, Bryant Ave, and 31st St plus the 3100 blocks between Holmes and

Fremont, as well as a spine along Hennepin Ave extending north from 28th St to Franklin Ave and south from 32nd St to 36th St); and that the proper City officers be authorized to execute a professional services contract in an amount not to exceed \$110,000 (as set forth in Petn No. 271443).

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Robert Margl from the decision of the Planning Commission which, notwithstanding staff recommendation, approved the following applications of Duane Arens based on findings: a) Variance to reduce the minimum required lot size in the R2B District from 5,000 square feet to 4,257 square feet; and b) Minor subdivision, for construction of a new single-family home at 600 4th St NE, now recommends that said appeal be granted and the applications be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Common Bond Communities to vacate a sewer easement (#1491) at 4550 Humboldt Ave N, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said sewer easement.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Resolution 2006R-434, vacating the sewer easement on property located at 4550 Humboldt Ave N, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-434

By Schiff

Vacating the sewer easement on property located at 4550 Humboldt Ave N (# 1491).

Resolved by The City Council of The City of Minneapolis:

That all that part of a sewer easement is hereby vacated to wit:

A thirty (30) foot wide sewer easement being 15 feet either side of the following described line: Beginning at a point in 46th Avenue North being 92 feet east of the southerly extension of the west line of Lot 8, Block 4, and 25 feet south of the south line of said Lot 8, Block 4, and 25 feet south of the south line of said Lot 8, Block 4, Gillespie's Camden Oaks Addition to Minneapolis, thence east a distance of 380 feet; thence northeasterly at a 30 degree angle a distance of 70 feet and there terminating; all according to the recorded plats thereof, Hennepin County, Minnesota.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the application of Greenway Urban Housing, LLC (#1490) to vacate a portion of a public alley in the vicinity of the block bounded by Bloomington Ave, 28th St E, 16th Ave S and the Midtown Greenway for construction of a multiple-family development, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Powderhorn Residents Group (BZZ-2997) to rezone the properties at 2404 and 2406 Bloomington Ave from R2B to the C1 District to allow construction of the Village in Phillips Phase II (Franklin Station Condominiums) – West Building, a mixed-use building with 12 dwelling units and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Ordinance 2006-Or-096 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2404 and 2406 Bloomington Ave to the C1 District, was adopted 8/18/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-096

By Schiff

1st & 2nd Readings: 8/18/2006

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land, pursuant to MS 462.357:

That part of Lot 2, Block 1, Gale's First Addition to Minneapolis (2404-2406 Bloomington Ave - Plate 21) to the C1 District.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of St. Mary's University of Minnesota (BZZ-3095) to rezone the properties at 2222 and 2226 Oakland Ave by adding the Transitional Parking Overlay District to the existing zoning of R6, R4, and the North Phillips Overlay District to allow utilization of existing surface parking lots and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Ordinance 2006-Or-097 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2222 and 2226 Oakland Ave by adding the Transitional Parking Overlay District to the existing zoning of R6, R4, and the North Phillips Overlay District, was adopted 8/18/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-097
By Schiff
1st & 2nd Readings: 8/18/2006

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 6, Block 3, Town of Minneapolis, Hennepin County, Minnesota (2222 Oakland Ave), and Lots 7, 8 and 9, Block 3, Town of Minneapolis, Hennepin County, Minnesota (2226 Oakland Ave) (Plate 20) by adding the Transitional Parking Overlay District to the existing zoning of R6, R4, and the North Phillips Overlay District.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

Z&P – Your Committee concurs in the recommendation of the Heritage Preservation Commission approving applications of Kristina Oman for historic variances to allow a reception/meeting hall on the third floor including a variance to reduce the required number of parking spaces from 60 to 0 for the third floor reception/meeting hall for the historically designated Frank B. and Anne C. Semple House located at 100-104 W Franklin Ave, and adopting the related findings prepared by Historic Preservation Commission staff.

Adopted 8/18/2006.

Absent – Samuels, Colvin Roy, Remington.

MOTIONS

Goodman moved passage of the accompanying resolution amending Resolution No. 2005R-594 entitled, "Allocating 2005 Affordable Housing Trust Funds (AHTF)," passed November 4, 2005, which adds proposals, in numerical order, for Van Cleve Court Apartments at 917 - 13th Ave SE, and Whittier Townhomes at 333 E 25th St and 2738 Stevens Ave S, to the list of recommendations approved for funding assistance, which were omitted in error from the original resolution. Seconded.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

(Published 8/22/2006)

Resolution 2006R-435, amending Resolution No. 2005R-594 entitled, "Allocating 2005 Affordable Housing Trust Funds (AHTF)," passed November 4, 2005, to add proposals, in numerical order, for Van Cleve Court Apartments at 917 - 13th Ave SE, and Whittier Townhomes at 333 E 25th St and 2738 Stevens Ave S, to the list of recommendations approved for funding assistance, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-435

By Goodman

Amending Resolution No. 2005R-594 entitled, "Allocating 2005 Affordable Housing Trust Funds (AHTF)," passed November 4, 2005.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by adding the following projects to the list of 2005 allocation of AHTF monies totaling up to \$3,890,339 and Non-Profit Development Assistance funds totaling up to \$181,000:

11) Up to \$412,000 from the AHTF and \$30,000 from the Non-Profit Assistance fund for Van Cleve Courts Apartments located at 917 - 13th Ave SE by Van Cleve Court Apartments East LLC or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan; and

12) Up to \$280,000 from the AHTF for Whittier Townhomes located at 333 E 25th St and 2738 Stevens Ave S by Minneapolis Leased Housing Development LLC or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Approved by Mayor Rybak 8/21/2006.

Lilligren, on behalf of Remington, introduced the subject matter of an ordinance amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 265.290 to delete the prohibition of sidewalk cafes serving alcohol within 200 feet of residential properties).

Johnson moved to direct staff from the City Attorney's Office, the Finance Department, and the Department of Community Planning and Economic Development to work with the Minneapolis Park and Recreation Board staff to develop a recommendation for a new ordinance creating a park dedication fee. Seconded.

Adopted upon voice vote 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Glidden introduced the subject matter of the following ordinances amending Chapter 3 of the Minneapolis City Charter relating to *Powers and Duties of Officers*, which were given their first reading and referred to the Intergovernmental Relations Committee:

- a. Section 4, amending the power of the executive committee on appointments and removals.
- b. Section 8, amending the existence of the City Engineer as the head of the Public Works Department by creating a Department of Public Works and a Director of Public Works.
- c. Section 9, amending the powers of the City Engineer and providing the duties and powers of the Director of Public Works.
- d. Section 10, amending the maintenance of surveys, plans and estimates.

Glidden introduced the subject matter of the following ordinances amending Chapter 8 of the Minneapolis City Charter relating to *Public Highways and Bridges*, which were given their first reading and referred to the Intergovernmental Relations Committee:

- a. Section 2, amending the way profiles and grades are maintained and the staff who will provide advice to the Commissioners.
- b. Section 6, repealing so that the City Engineer is not responsible for grading and construction of public ways.
- c. Section 7, amending so that the Director of Publics Works cannot have interest in contracts.

- d. Section 8, amending who is prohibited from accepting bribes.
- e. Section 13, amending by providing duties of the Director of Public Works regarding the repair of sidewalks.
- f. Section 14, amending by providing the Department of Public Works is responsible for sidewalk repairs.
- g. Section 22, amending the location of copies of plats.

Glidden introduced the subject matter of an ordinance amending Chapter 9 of the Minneapolis City Charter relating to *Water Works*, which was given its first reading and referred to the Intergovernmental Relations Committee (Section 5, amending the location for the preservation of records and the certification of the cost of construction).

Glidden introduced the subject matter of the following ordinances amending Chapter 10 of the Minneapolis City Charter relating to *Local Improvements—Assessments*, which were given their first reading and referred to the Intergovernmental Relations Committee:

- a. Section 1, amending the process for proposing suitable land for public improvements.
- b. Section 5, amending the street improvement process by having the Department of Public Works provide advice and assistance instead of the Engineer.
- c. Section 8, amending the local improvement process by having the Department of Public Works provide assistance instead of the Engineer.
- d. Section 10, amending the sidewalk building process by having the Department of Public Works provide a description of property and cost estimate instead of the Engineer.
- e. Section 15, amending who certifies that an improvement has been made by the owner of a property.
- f. Section 29, amending who must work with the Auditor regarding improvements.

Glidden introduced the subject matter of the following ordinances amending Chapter 16 of the Minneapolis City Charter relating to *Parks and Parkways*, which were given their first reading and referred to the Intergovernmental Relations Committee:

- a. Section 2, amending the location for the filing of plats of the Park and Recreation Board.
- b. Section 3, amending the location for the filing of plats for land condemned by the Park and Recreation Board.
- c. Section 15, amending reference to the process used by the City in building sidewalks and assessing for the construction.

Glidden introduced the subject matter of an ordinance amending Chapter 19 of the Minneapolis City Charter relating to *Civil Service*, which was given its first reading and referred to the Intergovernmental Relations Committee (Section 4, amending the unclassified service to include the Director of Public Works and eliminate the City Engineer).

RESOLUTIONS

Resolution 2006R-436, celebrating the successes of the New Central Library project, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-436

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

Celebrating the successes of the New Central Library project.

Whereas, the New Central Library opened its doors to the public as scheduled on May 20, 2006 after 3 years of planning and 4½ years of design and construction; and

Whereas, the New Central Library Project is expected to come in under budget by approximately \$1.7 million dollars; and

Whereas, the New Central Library Project achieved a perfect safety record – 1,035 days without a lost-time accident; and

Whereas, the New Central Library Project achieved all of its goals for employment of and contracting with women and minorities; and

Whereas, the New Central Library Project incorporates many energy-efficient systems and the first major green roof in downtown Minneapolis; and

Whereas, the New Central Library project was a successful partnership between two government entities, the City of Minneapolis and the Minneapolis Library Board; and

Whereas, Rick Johnson as the Project Coordinator was integral to the completion of the New Central Library through his dedication and acting as a keeper of the public's trust;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we celebrate the successes of the Minneapolis New Central Library Project;

Be It Further Resolved that we thank all the individuals and organizations who have contributed to the successful construction and opening of the New Central Library, including the Library Board of Trustees, the New Central Library Implementation Committee (R.T. Rybak, Sharon Sayles Belton, Diane Hofstede, Lisa Goodman, Sandra Colvin Roy, Joan Campbell, Kathleen Lamb, Laurie Savran, Dr. Otis Anderson, Carol Becker, Robert Greenberg, and Thomas J. Parish), Kit Hadley and the staff of the Minneapolis Public Library, the contributors to the Private Capital Campaign, City staff in the City Coordinator's office, City Attorney's Office, Finance-Risk Management, and the Civil Rights Department, Cesar Pelli & Associates/Architectural Alliance, M.A. Mortenson, Marsh USA, Inc., and most importantly the citizens of Minneapolis.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-437, honoring Community Gardeners and Declaring August 19, 2006 Community Gardening Day in the City of Minneapolis, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-437

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

Honoring Community Gardeners and Declaring August 19, 2006 Community Gardening Day.

Whereas, the City of Minneapolis hosts more than a hundred community gardens in all 13 wards; and

Whereas, community gardens add beauty to urban neighborhoods and provide much-needed green space in high density areas; and

Whereas, Minneapolis's community gardens reflect the cultural and ethnic diversity of the city, drawing gardeners who speak English, Spanish, Somali, Korean, and Hmong; and

Whereas, community gardens empower residents to become more active in their communities, providing cross-cultural and inter-generational opportunities for people to come together; and

Whereas, community gardens filter rainwater, helping to keep our rivers, lakes, and groundwater clean; and

Whereas, community gardens provide access to nutritionally rich and culturally specific foods that may otherwise be unavailable to inner-city residents; and

Whereas, community gardens enhance crime prevention efforts and improve property values; and
Whereas, the Parade of Community Gardens takes place in the Twin Cities Metro on August 19, 2006, giving residents an opportunity to learn about community gardening and visit gardens in their area;
Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we commend the 1700 residents who participate in community gardens for their valuable contributions to our city.

Be It Further Resolved that we declare August 19, 2006 as Community Gardening Day in the City of Minneapolis.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-438, in support of U.S. House and U.S. Senate Bills to create a U.S. Department of Peace and Non-Violence, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-438
By Schiff, Gordon, Remington and Hofstede

In support of U.S. House and U.S. Senate Bills to create a U.S. Department of Peace and Non-Violence.

Whereas, on September 22, 2005, Senator Mark Dayton, introduced Senate Bill 1756 in the United States Senate to create a United States Department of Peace and Non-Violence; and

Whereas, House Bill 3760 to create a United States Department of Peace and Non-Violence has seventy-five (75) sponsors in the United States House of Representatives, including Representative Martin Sabo from Minnesota's 5th Congressional District, who represents the City of Minneapolis; and

Whereas, the enactment of Senate Bill 1756 and House Bill 3760 to create a United States Department of Peace and Non-Violence will establish a cabinet-level Department of Peace and Non-Violence, which will be headed by a Secretary of Peace who will advise the President on issues that are both domestic and international in scope; and

Whereas, the Department of Peace and Non-Violence will consist of seven (7) offices including:

An Office of Peace Education and Training whose responsibility, in cooperation with the Secretary of Education is to develop a peace curriculum and supporting materials for distribution to the department of education in each state and territory for the building of communicative peace skills, nonviolent conflict resolution skills, and other objectives to increase knowledge of peace processes, including the development of a Peace Academy;

An Office of Domestic Peace Activities whose responsibilities are 1) to develop policies that increase awareness about intervention and counseling on domestic violence and conflict, 2) to develop policy alternatives for the treatment of drug and alcohol abuse, 3) to develop new policies and build on existing programs responsive to the prevention of crime, including the development of community policing strategies and peaceful settlement skills among police and other public safety officers, and 4) to develop community-based strategies for celebrating diversity and promoting tolerance;

An Office of International Peace Activities whose responsibilities are 1) to provide for the training and deployment of all Peace Academy graduates and other nonmilitary conflict prevention and peacemaking personnel, 2) to sponsor country and regional conflict prevention and dispute resolution initiatives in countries experiencing social, political, and economic strife, 3) to advocate the creation of a multinational nonviolent peace force, 4) to provide training for the administration of post-conflict reconstruction and demobilization in war-torn societies, and 5) to provide for the exchange between individuals of the U.S. and other nations who are endeavoring to develop domestic and international peace-based initiatives;

An Office of Technology for Peace whose responsibilities are 1) to carry out the functions in the department affecting the awareness, study, and impact of developing new technologies on the creation and maintenance of domestic and international peace, 2) to provide grants for the research and development of technologies in transportation, communications, and energy that are nonviolent in their application and encourage the conservation and sustainability of natural resources in order to prevent future conflicts regarding scarce resources;

An Office of Arms Control and Disarmament whose responsibilities are 1) to advise the Secretary of Peace on all interagency discussions and all international negotiations regarding the reduction and elimination of weapons of mass destruction throughout the world including the dismantling of such weapons and the safe and secure storage of related materials, 2) to assist nations, international agencies and non-governmental organizations in assessing the locations of the buildup of nuclear arms, 3) to develop nonviolent strategies to deter the testing or use of offensive or defensive nuclear weapons, whether based on land, air, sea, or in outer space, 4) to serve as a depository for copies of all contracts, agreements, and treaties that deal with the reduction and elimination of nuclear weapons or the protection of outer space for militarization, and 5) to provide technical support and legal assistance for the implementation of such agreements;

An Office of Peaceful Coexistence and Nonviolent Conflict Resolution whose responsibilities are 1) to carry out those functions in the department affecting research and analysis relating to creating, initiating, and modeling approaches to peaceful coexistence and nonviolent conflict resolution, 2) to study the impact of war, especially on the physical and mental condition of children which shall include the effect of war on the environment and public health, 3) to publish a monthly journal of the activities of the department and encourage scholarly participation, 4) to gather information on effective community peace-building activities and disseminate such information to local governments and non-governmental organizations in the U.S. and abroad, 5) to research the effect of violence in the media and make such reports available to the Congress annually, and 6) to sponsor conferences throughout the U.S. to create awareness of the work of the department; and

An Office of Human Rights and Economic Rights whose responsibilities are 1) to carry out those functions of the department supporting the principles of the Universal Declaration of Human Rights passed by the General Assembly of the United Nations on December 10, 1948, 2) to assist the Secretary of Peace, in cooperation with the Secretary of State, in furthering the incorporation of principles of human rights, as enunciated in the United Nations General Assembly Resolution of December 10, 1948, into all agreements between the U.S. and other nations to help reduce the causes of violence, 3) to gather information on and document human rights abuses, both domestically and internationally, and recommend to the Secretary of Peace nonviolent responses to correct abuses, 4) to make such findings available to other agencies in order to facilitate nonviolent conflict resolution, 5) to conduct economic analyses of the scarcity of human and natural resources as a source of conflict and to make recommendations to the Secretary of Peace for nonviolent prevention of such scarcity, nonviolent intervention in case of scarcity, and the development of programs of assistance for people experiencing such scarcity, whether due to armed conflict, misdistribution of resources, or natural causes, and 6) to assist the Secretary of Peace, in cooperation with the Secretary of State and the Secretary of Treasury, in developing strategies regarding the sustainability and the management of the distribution of funds from international agencies, the conditions regarding the receipt of such funds, and the impact of those conditions on the peace and stability of the recipient nations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council adopts this resolution in favor of enactment of House Bill 3760 and Senate Bill 1756 to create a United States Department of Peace and Non-Violence.

Be It Further Resolved that the Minneapolis City Council adopts this resolution in support of Representative Sabo's sponsorship of the proposed federal legislation to create a United States Department of Peace and Non-Violence.

Adopted 8/18/2006.

Declining to vote - Hodges.

Absent - Samuels, Colvin Roy, Remington.

Resolution 2006R-439, honoring Senior Safety Pride Day and declaring August 18, 2006 as Senior Safety Pride Day in the City of Minneapolis, was adopted 8/18/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-439

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

Honoring Senior Safety Pride Day.

Whereas, having involved seniors whose achievements are recognized and celebrated is essential to the well-being of a community; and

Whereas, having information on health and nutrition, personal safety, voting, finances, and housing options helps seniors meet their needs and remain engaged in their communities; and

Whereas, the Minneapolis chapter of Men Against Destruction – Defending Against Drugs and Social Disorder (MAD DADS) seeks to bring about positive change, and encourages, motivates and guides committed men and women in the struggle to save children, communities and themselves from the social ills that presently plague neighborhoods; and

Whereas, Minneapolis MAD DADS with sponsorship from AARP Minnesota, Minnesota Office of Justice Programs, Minneapolis Empowerment Zone, Minnesota Spokesman-Recorder, General Mills Foundation, Franklin Bank, Center for Families, and KMOJ Radio, is hosting its annual Senior Citizens Safety Pride Day, with riverboat rides, a barbeque, information, and entertainment, on Friday, August 18 on Boom Island;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we honor Senior Safety Pride Day and the Minneapolis chapter of MAD DADS for providing Minneapolis seniors with this opportunity for entertainment, education, and social connection.

Be It Further Resolved that we declare August 18, 2006 as Senior Safety Pride Day in the City of Minneapolis.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

UNFINISHED BUSINESS

T&PW - Your Committee, having under consideration the appeal filed by APEX Asset Management Corporation for the Carlyle Condominiums, 100 3rd Avenue South, from the decision of the Public Works Engineering Design Division which denied the application of an encroachment permit for the installation of raised architectural precast planters in the City right-of-way along 3rd Av S between 1st and 2nd St S (Petn. No. 271402), now recommends that said appeal be **sent forward without recommendation**.

Glidden moved to amend the report by deleting the language, "said appeal be sent forward without recommendation," and inserting in lieu thereof, "the City Council accept a sidewalk easement from Carlyle Condos, LLC, to increase the sidewalk width to allow for the encroachment of concrete planters. Upon the City Council's acceptance of the sidewalk easement, the Public Works Department will issue the encroachment permit. The sidewalk easement shall be at two locations along the Northwesternly right-of-way line of 3rd Avenue South, between 1st and 2nd Streets South." Seconded.

The report, as amended, was adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

NEW BUSINESS

Glidden moved approval of the appointment of election judges, and authorization for the use of substitutions from the eligible list of election judges as necessary, for the 131 precincts in the City for all elections in Year 2006, as set forth in Petn No 271420 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Further, recommends authorization for the use of an Absentee Ballot Board, and approval of the list of election judges to serve as said Board, for all elections in Year 2006, pursuant to Minnesota Statutes, Section 203B.13. Seconded.

Adopted 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Lilligren introduced an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, which was given its first reading and referred to the Zoning & Planning Committee (providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Ave (east and west Alley to Alley) from Franklin Ave on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) on the south).

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 8/18/2006.

Absent - Samuels, Colvin Roy, Remington.

Merry Keefe,
City Clerk.

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